

MUNICIPAL, PLANNING & DEVELOPMENT LAW

Planning for the Unpredictable

**Ontario Association of Committees of Adjustment and
Consent Authorities (OACA)**

June 5, 2006

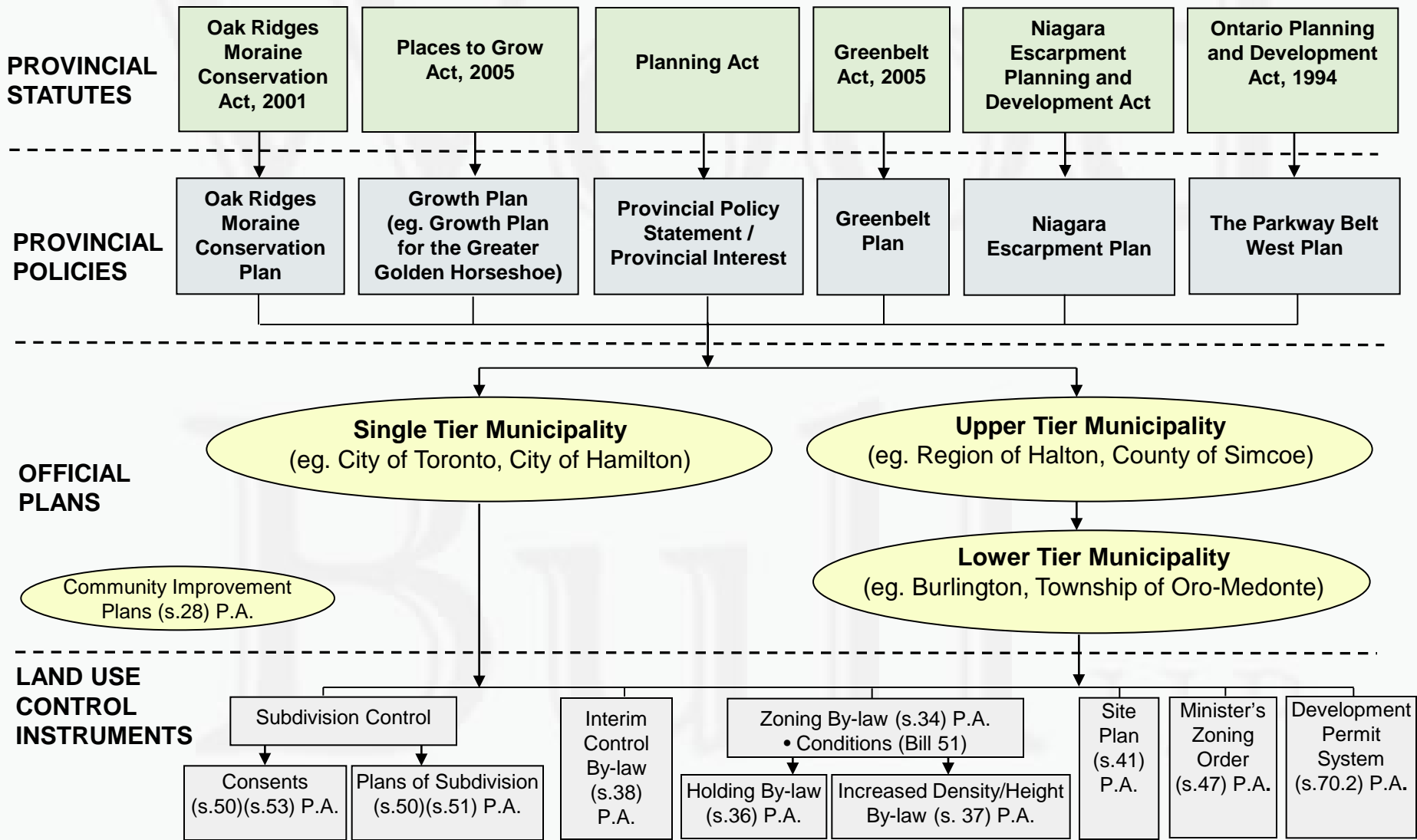


MUNICIPAL, PLANNING & DEVELOPMENT LAW

The Web of Planning and Development Law Untangled

Presented by Dennis H. Wood

Provincial / Municipal Planning Structure



Provincial Planning Structure

- Land Use Planning and Legislative Framework
 - Ontario Planning and Development Act, 1994
 - Parkway Belt West Plan
 - Niagara Escarpment Planning and Development Act, 2001
 - Niagara Escarpment Plan
 - Oak Ridges Moraine Conservation Act, 2001
 - Oak Ridges Moraine Conservation Plan
 - Greenbelt Act, 2005
 - Greenbelt Plan
 - Places to Grow Act, 2005
 - Draft Growth Plan
 - Planning Act
 - Provincial Policy Statement / Provincial Interest

Municipal Planning Structure

- Official Plan (single tier / upper tier / lower tier)
 - Community Improvement Plan
- Land Use Control Instruments
 - Subdivision Control
 - Consent
 - Plan of Subdivision
 - Interim Control By-law
 - Zoning By-law
 - Holding By-law
 - Increased Height / Density By-law (s.37 Agreements)
 - Conditional Zoning (Bill 51)
 - Site Plan
 - Development Permit System
 - Minister's Zoning Order

Ontario Planning and Development Act

**Ontario Planning
and Development Act, 1994**

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graph TD; A[Ontario Planning and Development Act, 1994] --> B[Parkway Belt West Development Planning Area]; B --> C[Parkway Belt West Plan];
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**Parkway Belt West
Development Planning Area**

Parkway Belt West Plan

Ontario Planning and Development Act

- A development planning area established under the *Parkway Belt Planning and Development Act* shall be deemed to be a development planning area under this Act. (section 22(5))
- The Parkway Belt Plan, also known as the Parkway Belt West Plan, shall be deemed to be a plan under this Act. (section 22(1))
- The Parkway Belt Plan does not apply to lands that are part of the Niagara Escarpment Planning Area (section 22.1(1))

Ontario Planning and Development Act

- By-laws, improvements of a structural nature, undertakings and developments to conform with the Parkway Belt West Plan (section 13)
- The Parkway Belt West Plan prevails in the case of a conflict between the Plan and an official plan or zoning by-law (section 14)

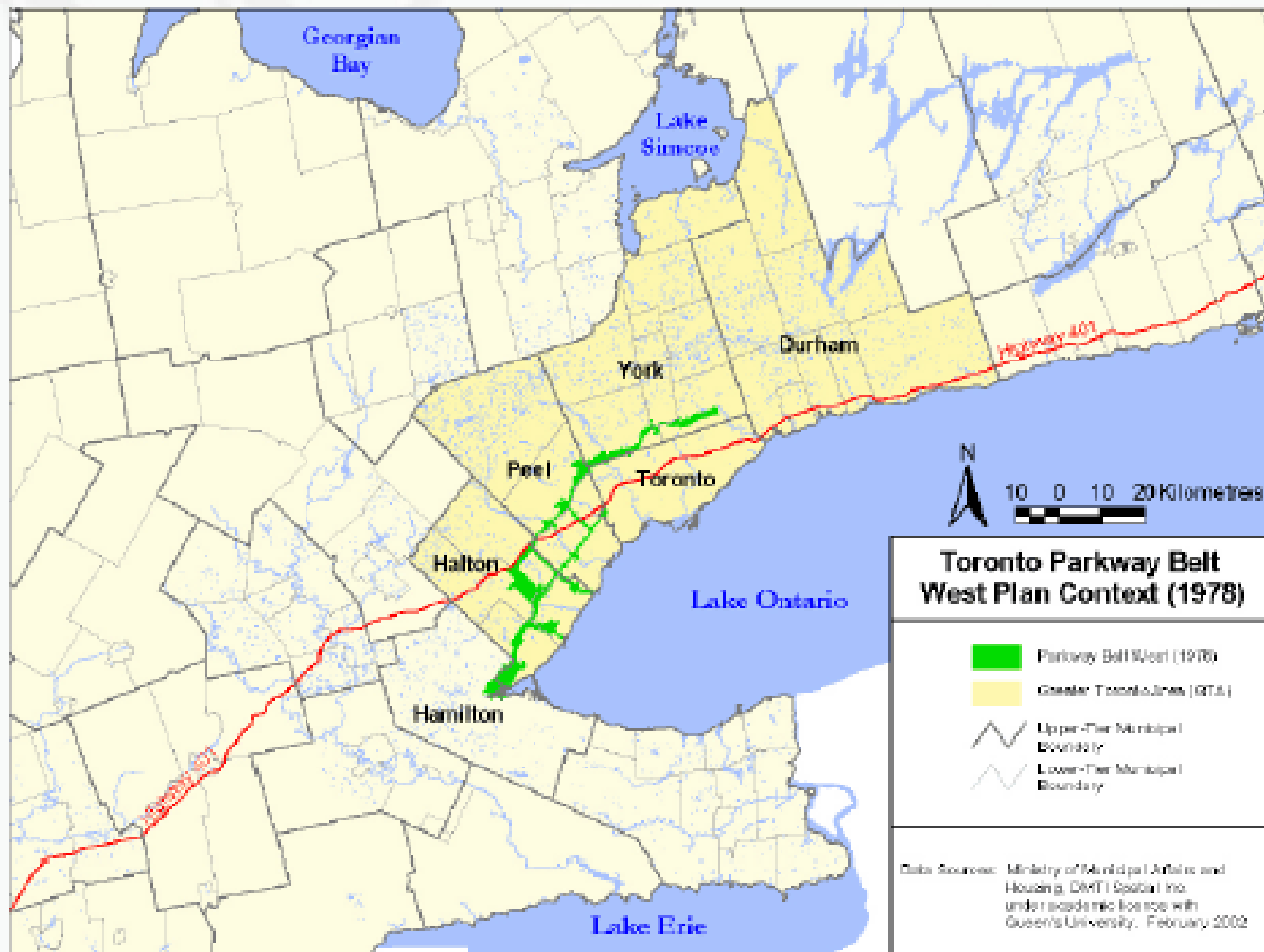
Ontario Planning and Development Act

- The Minister may make a zoning order in respect of lands covered by a development plan, which order:
 - need not conform to an official plan in effect in the area covered by the order (section 17)
 - is not subject to section 3 of the Planning Act (section 17)
 - need not conform with the development plan. (section 18)

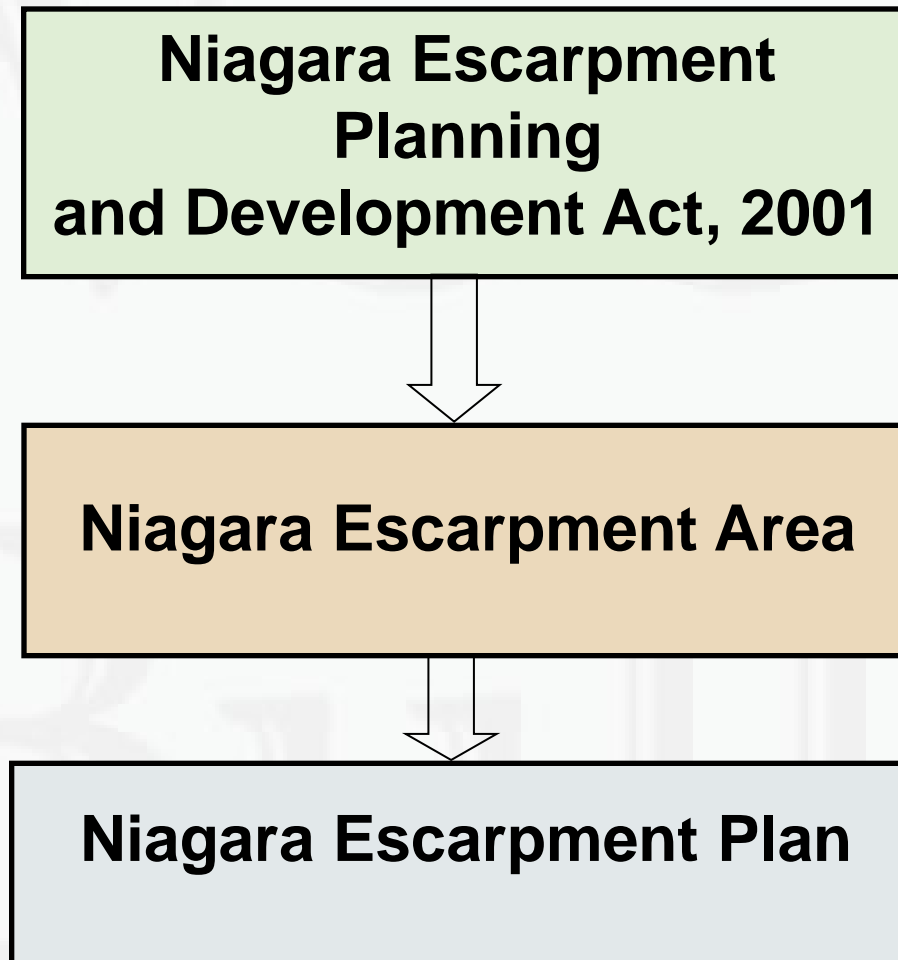
Ontario Planning and Development Act: Parkway Belt West Plan

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Niagara Escarpment Planning and Development Act



Niagara Escarpment Planning and Development Act

- Establishment of Niagara Escarpment Planning Area (section 3(1))
- Preparation of Niagara Escarpment Plan (section 3(2))
- Objectives of the Niagara Escarpment Plan (section 8)

Niagara Escarpment Planning and Development Act

- By-laws, improvements of a structural nature, undertakings and developments to conform with the Niagara Escarpment Plan (section 13)
- The Niagara Escarpment Plan prevails in the case of a conflict between the Plan and an official plan or zoning by-law (section 14)

Niagara Escarpment Planning and Development Act

- The Minister may by regulation designate any area of land within the Niagara Escarpment Planning Area as an area of development control (section 22)
- No development can be undertaken in an area of development control unless exempt or unless it complies with a development permit (section 24(1))
- A person who contravenes section 24(1) is guilty of an offence (section 24(4))

Niagara Escarpment Planning and Development Act

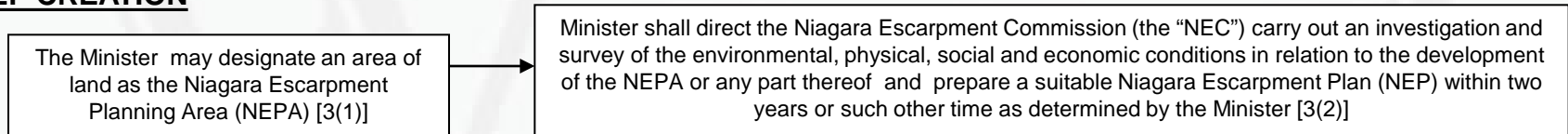
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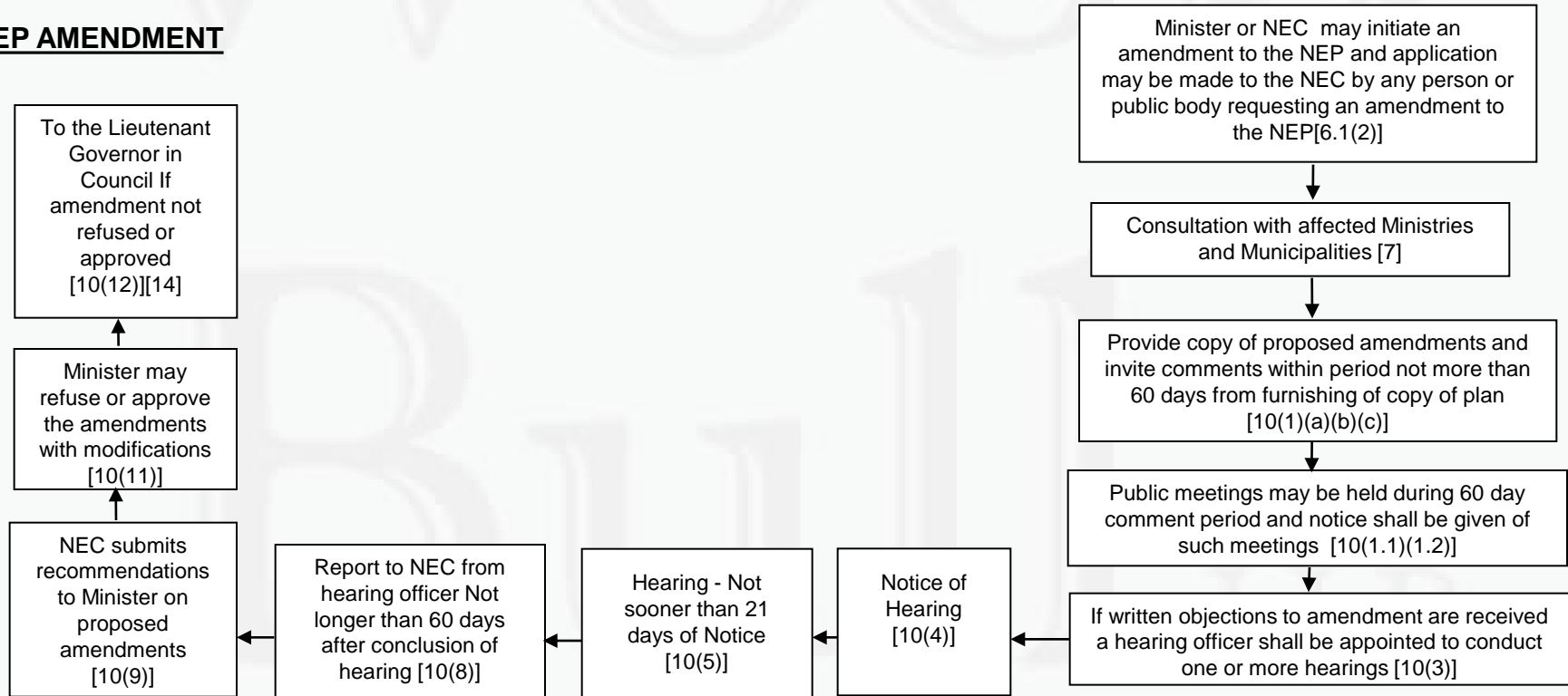
- If there is a conflict between the Greenbelt Plan and the Niagara Escarpment Plan, the Niagara Escarpment Plan prevails over the Greenbelt Plan in its area of application (section 8(2) of the *Greenbelt Act, 2005*)

Niagara Escarpment Planning and Development Act

NEP CREATION



NEP AMENDMENT



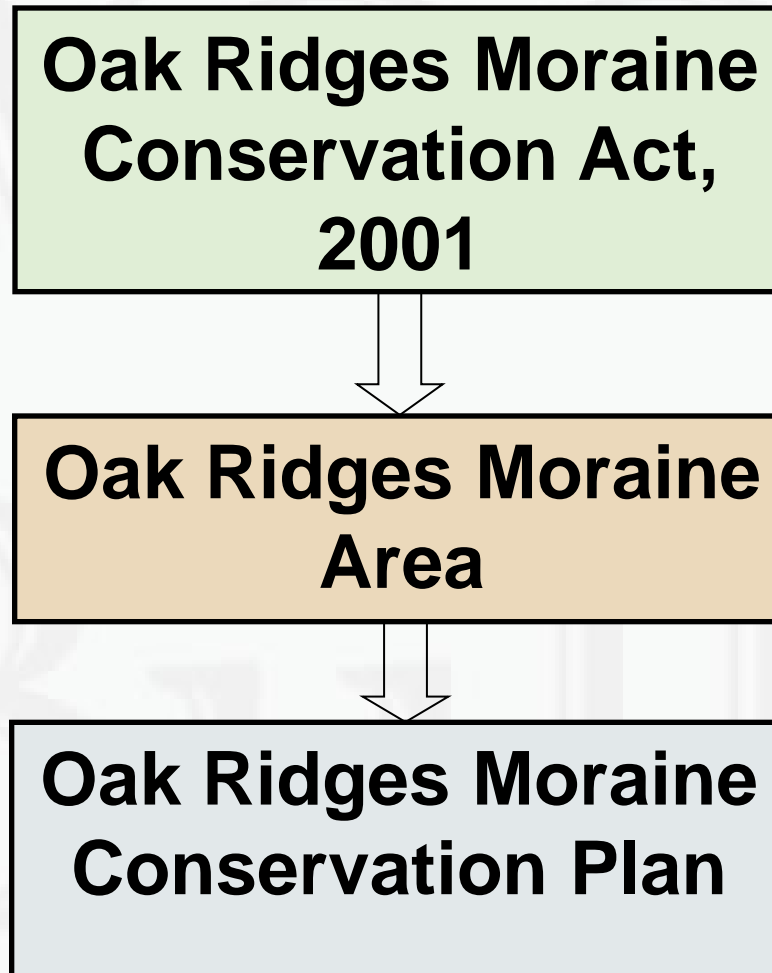
Niagara Escarpment Planning and Development Act

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- The Minister shall cause a review of the Niagara Escarpment Plan to be carried out at the same time the review of the Greenbelt Plan is carried out under the *Greenbelt Act, 2005*. (section 17)
- Section 17 applies to the review that began on June 15, 1999 and to subsequent reviews.

Oak Ridges Moraine Conservation Act, 2001

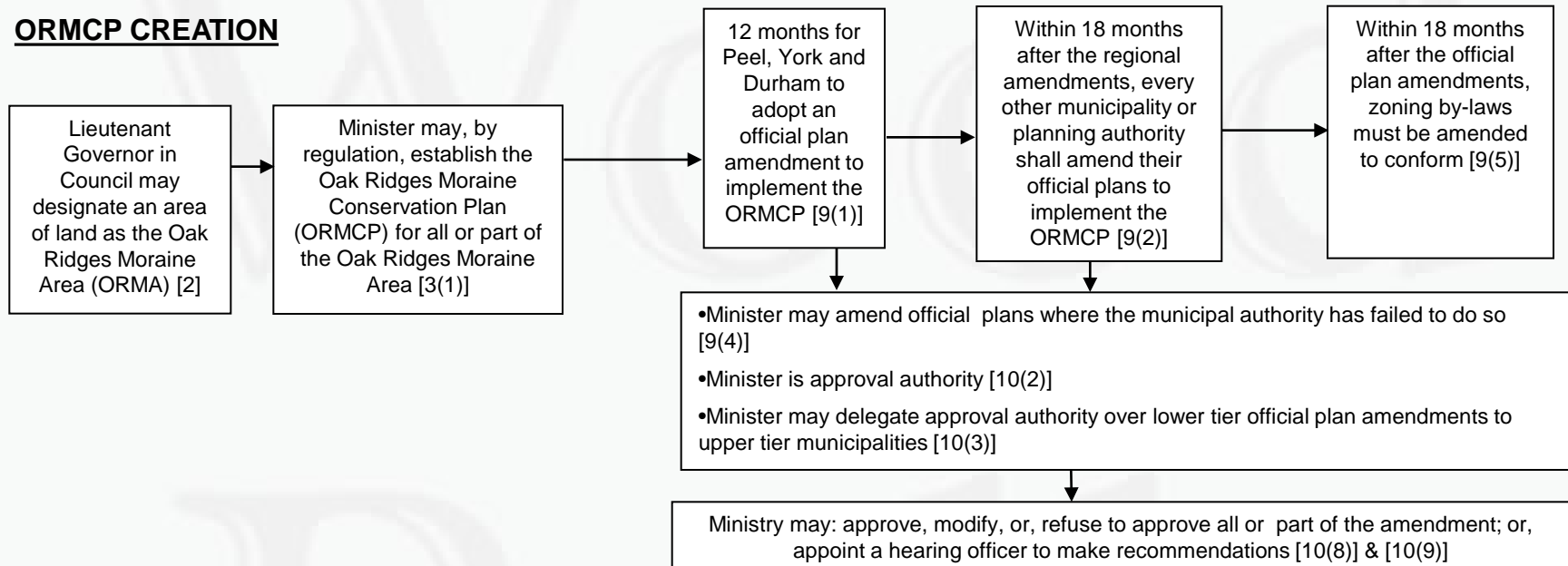


Oak Ridges Moraine Conservation Act, 2001

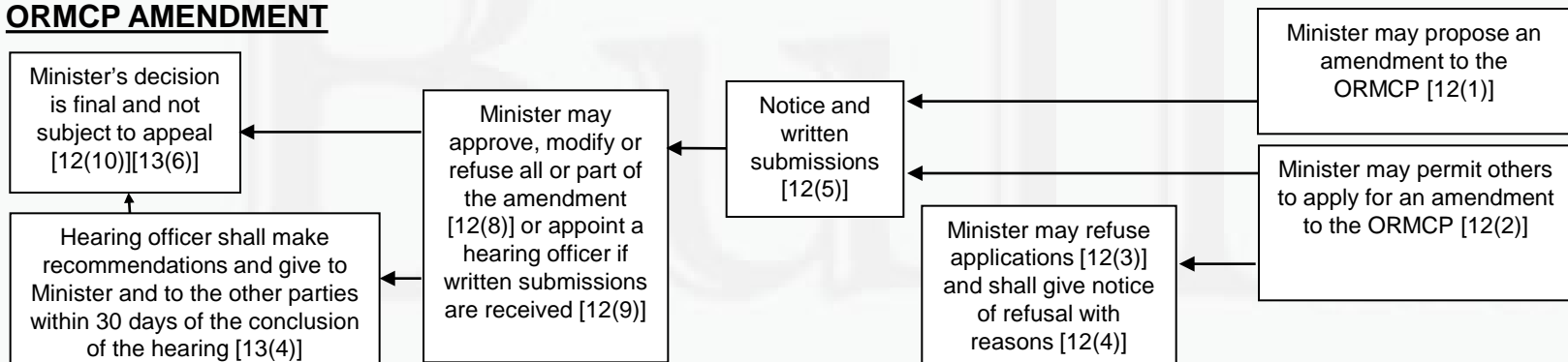
- Received Royal Assent on December 14, 2001
- Designation of Oak Ridges Moraine Area (section 2)
- Establishment of Oak Ridges Moraine Conservation Plan (section 3)

Oak Ridges Moraine Conservation Act, 2001

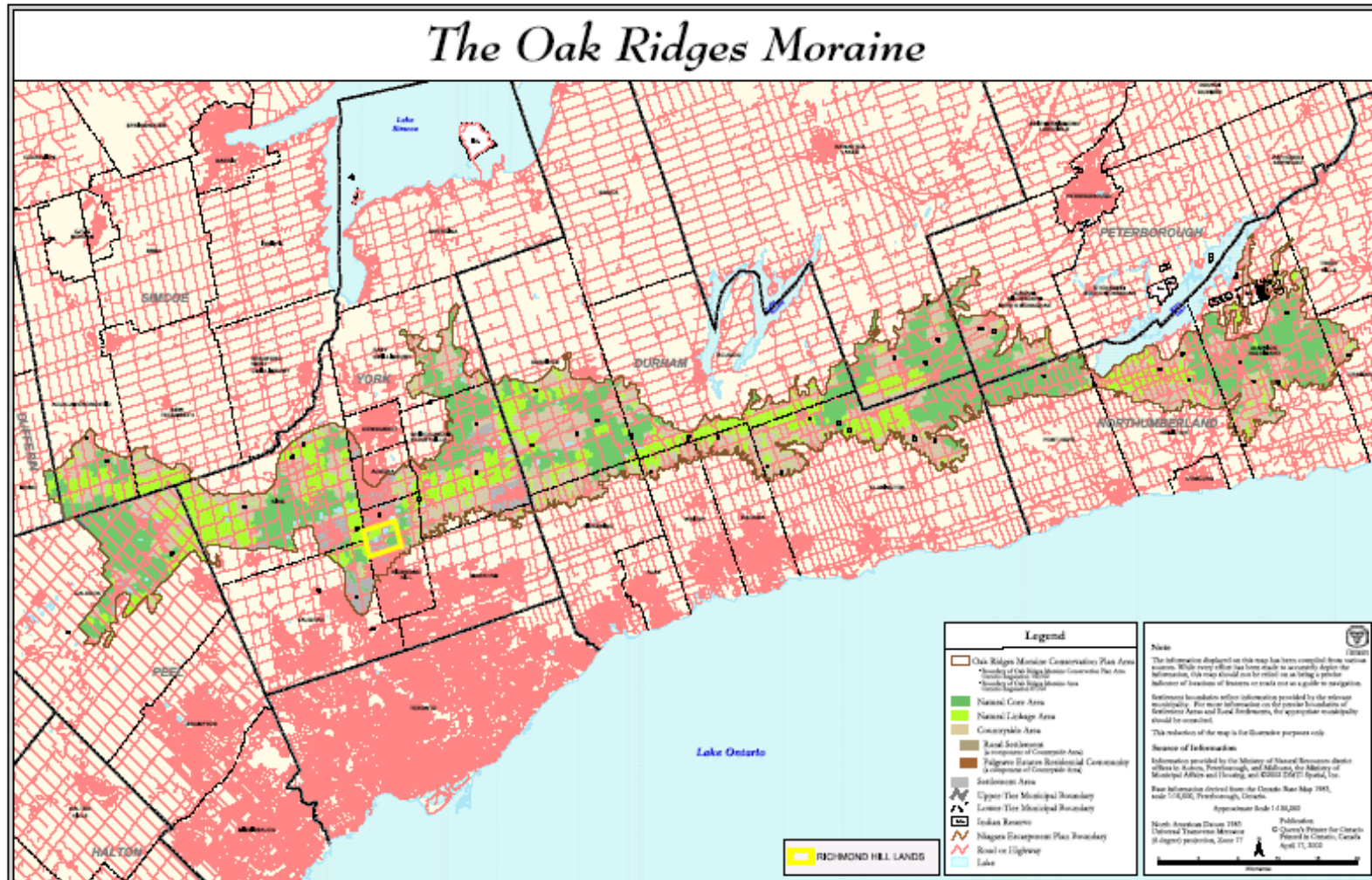
ORMCP CREATION



ORMCP AMENDMENT



Oak Ridges Moraine Area



Oak Ridges Moraine Conservation Act, 2001

- All decisions on planning applications shall conform with the policies in the Oak Ridges Moraine Conservation Plan (section 7)
- The Oak Ridges Moraine Conservation Plan prevails in the case of a conflict between the Plan and an official plan, a zoning by-law, or a policy statement issued under section 3 of the *Planning Act* (section 8)

Oak Ridges Moraine Conservation Act, 2001

- Official plans and zoning by-laws for lands subject to the Conservation Plan are required to be amended to conform. (section 9)
- A person who contravenes a prohibition contained in the Oak Ridges Moraine Conservation Plan or who fails to comply with a restriction in the Plan is guilty of an offence. (section 24)

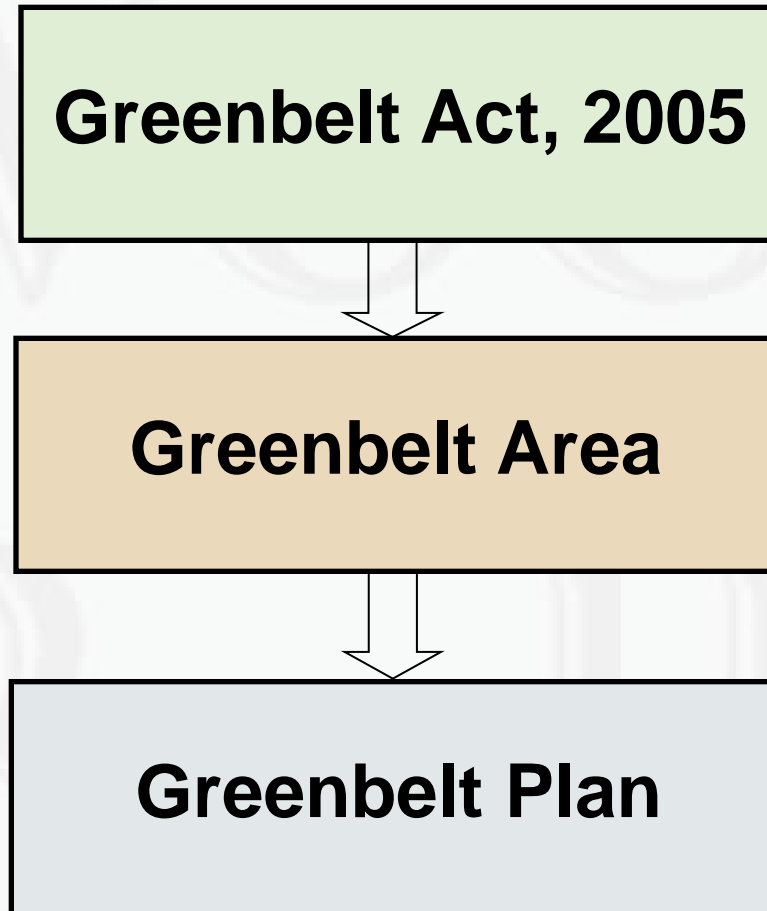
Oak Ridges Moraine Conservation Act, 2001

- If there is a conflict between the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, the Oak Ridges Moraine Conservation Plan prevails over the Greenbelt Plan in its area of application (section 8(2) of the *Greenbelt Act, 2005*)

Oak Ridges Moraine Conservation Act, 2001

- The Minister shall ensure that a review of the Plan is carried out at the same time the review of the Greenbelt Plan is carried out under the *Greenbelt Act, 2005* to determine whether the Plan should be revised. (section 3)
- A review under subsection (3) shall not consider removing land from the natural core areas or the natural linkage areas. (section 4)

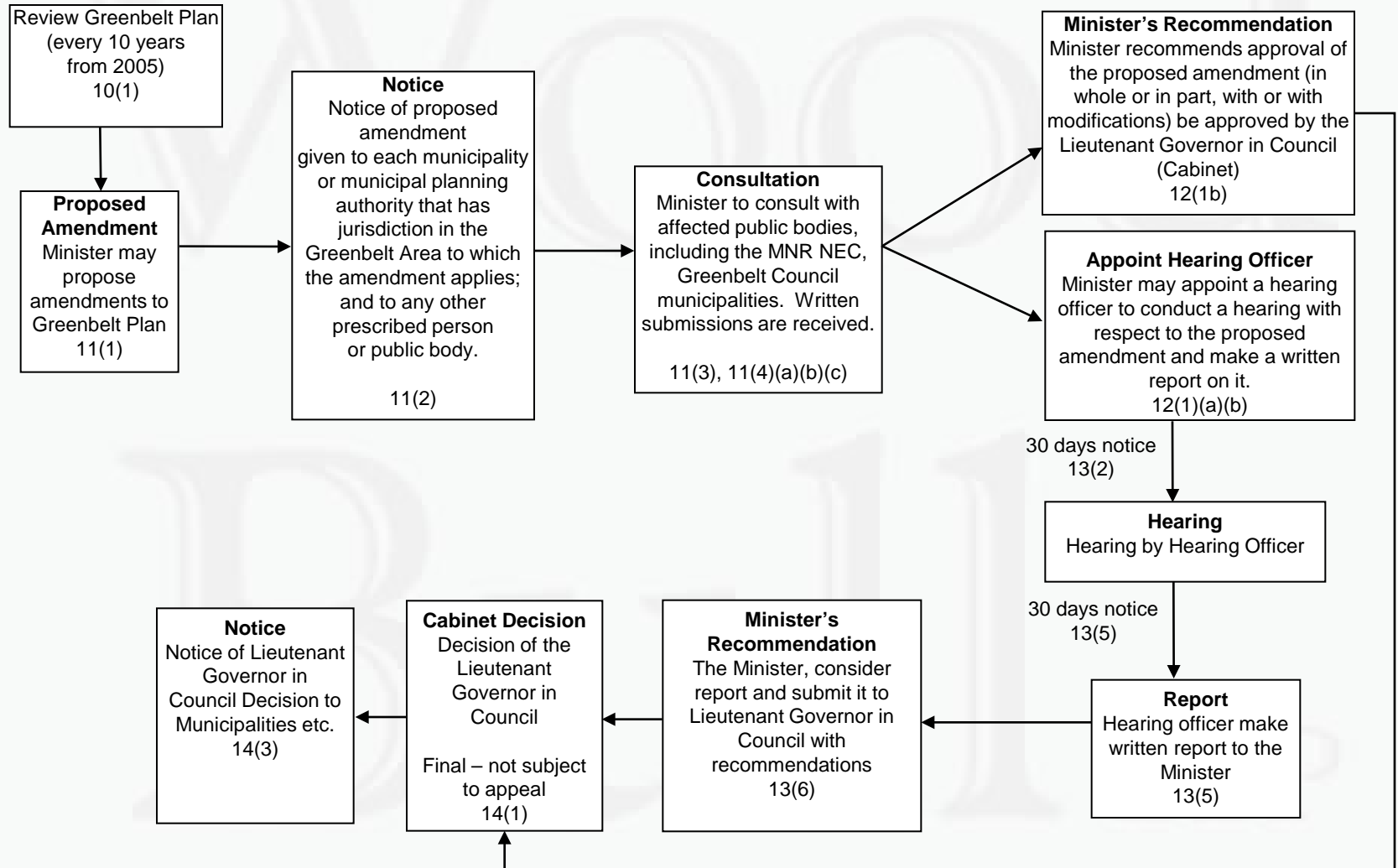
Greenbelt Act, 2005



Greenbelt Act, 2005

- Received Royal Assent on February 24, 2005
- Deemed to have come into force on December 16, 2004
- Designation of Greenbelt Area (section 2)
 - No amendment if reduces total land area
- Establishment of Greenbelt Plan (section 3, Reg. Tab 13)
 - Plan for Greenbelt Area
- Establishment of Greenbelt Council (section 15)

Greenbelt Act, 2005



Greenbelt Act, 2005

Decisions to conform to plan

A decision that is made under

- the *Ontario Planning and Development Act, 1994*,
- the *Planning Act* or
- the *Condominium Act, 1998* or
- in relation to a *prescribed matter* by a municipal council, local board, municipal planning authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board,

shall conform with the Greenbelt Plan. (section 7(1))

Limitation

Section 7(1) does not apply to a policy statement issued under section 3 of the *Planning Act*. (section 7(2))

Greenbelt Act, 2005

Actions to conform to plan

No municipality or municipal planning authority shall, within the areas to which the Greenbelt Plan applies,

- (a) undertake any public work, improvement of a structural nature or other undertaking that conflicts with the Greenbelt Plan; or
- (b) pass a by-law for any purpose that conflicts with the Greenbelt Plan. (section 7(3))

Comments, advice

Comments, submissions or advice provided by a minister of the Crown, a ministry, board, commission or agency of the Government of Ontario or a conservation authority established under section 3 of the *Conservation Authorities Act* that affect a planning matter relating to lands to which the Greenbelt Plan applies shall conform with the Greenbelt Plan. (section 7(4))

Greenbelt Act, 2005

Conformity

The council of a municipality or a municipal planning authority located within any of the areas designated as Protected Countryside in the Greenbelt Plan shall amend every official plan to conform with the Greenbelt Plan,

- (a) no later than the date the council is required to make a determination under subsection 26 (1) of the *Planning Act*, if the Minister does not direct the council to make the amendments on or before a specified date; or
- (b) no later than the day specified by the Minister, if the Minister directs the council to make the amendments on or before a specified date. (section (9)(1))

[note: s.26(1), *Planning Act* addresses the 5 year review of an official plan]

Same

For the purposes of subsection (1), a provision in an official plan that relates to a matter specified under subclause 6 (2) (e) (ii) does not conform with the Greenbelt Plan if it exceeds the requirements of the Greenbelt Plan or is more restrictive than a provision in the Greenbelt Plan. (section (9)(2))

Greenbelt Act, 2005

- Objectives of the Greenbelt Plan (section 5)

- (a) to establish a network of countryside and open space areas which supports the Oak Ridges Moraine and the Niagara Escarpment;
- (b) to sustain the countryside, rural and small towns and contribute to the economic viability of farming communities;
- (c) to preserve agricultural land as a continuing commercial source of food and employment;
- (d) to recognize the critical importance of the agriculture sector to the regional economy;
- (e) to provide protection to the land base needed to maintain, restore and improve the ecological and hydrological functions of the Greenbelt Area;
- (f) to promote connections between lakes and the Oak Ridges Moraine and Niagara Escarpment;
- (g) to provide open space and recreational, tourism and cultural heritage opportunities to support the social needs of a rapidly expanding and increasingly urbanized population;
- (h) to promote linkages between ecosystems and provincial parks or public lands;
- (i) to control urbanization of the lands to which the Greenbelt Plan applies;
- (j) to ensure that the development of transportation and infrastructure proceeds in an environmentally sensitive manner;
- (k) to promote sustainable resource use;
- (l) any other prescribed objectives.

Greenbelt Act, 2005

- **Content of the Greenbelt Plan (section 6)**

The Greenbelt Plan may set out policies with respect to the lands to which the Greenbelt Plan applies, including,

- (a) land use designations;
- (b) policies to support co-ordination of planning and development programs of the various ministries of the Government of Ontario;
- (c) policies to support co-ordination of planning and development among municipalities; and
- (d) policies with respect to transitional matters that may arise in the implementation of the Greenbelt Plan.

Greenbelt Act, 2005

- **Content of the Greenbelt Plan (section 6)**

The Greenbelt Plan may set out policies with respect to the areas designated by it as Protected Countryside, including,

- (a) policies prohibiting any use of land or the erection, location and use of buildings or structures for, or except for, such purposes as may be set out;**
- (b) policies restricting or regulating the use of land or the erection, location and use of buildings or structures;**
- (c) policies relating to land and resource protection and land development; and**
- (d) policies for the economic and physical development of the land including,**
 - (i) the management of land and water resources,
 - (ii) the development of major servicing, communication and transportation systems,
 - (iii) the identification of major land use areas and the provision of major parks and open space, and
 - (iv) the development of cultural, recreational and tourism facilities;

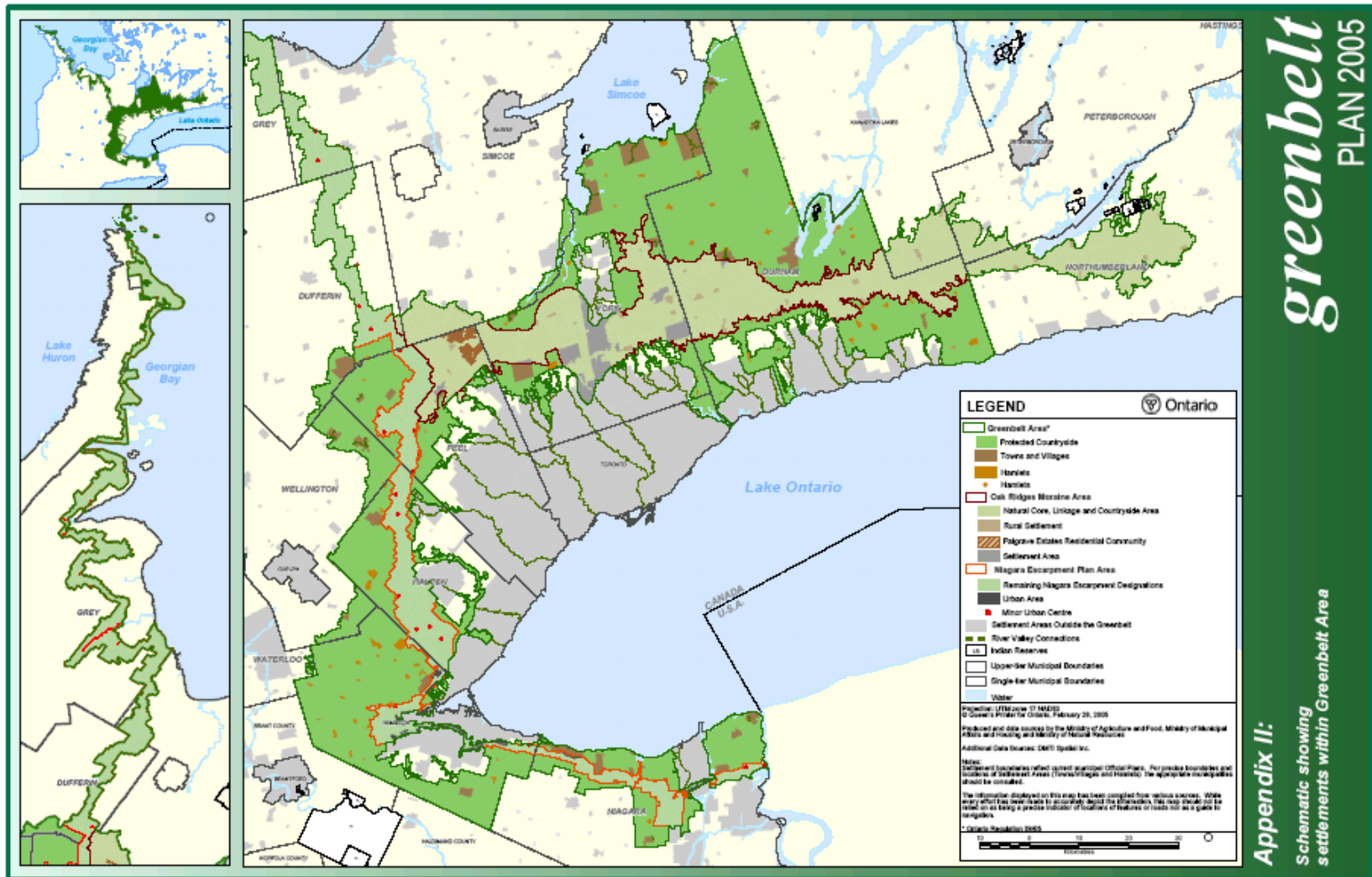
Greenbelt Act, 2005

- Content of the Greenbelt Plan (section 6)
 - (e) **policies,**
 - (i) prohibiting official plans and zoning by-laws from containing provisions that relate to specified matters and are more restrictive than the provisions relating to such matters that are contained in the Greenbelt Plan, and
 - (ii) specifying matters referred to in subclause (i);
 - (f) **land use policies to support the long-term viability of agriculture in the Protected Countryside; and**
 - (g) **such other policies as may be prescribed.**

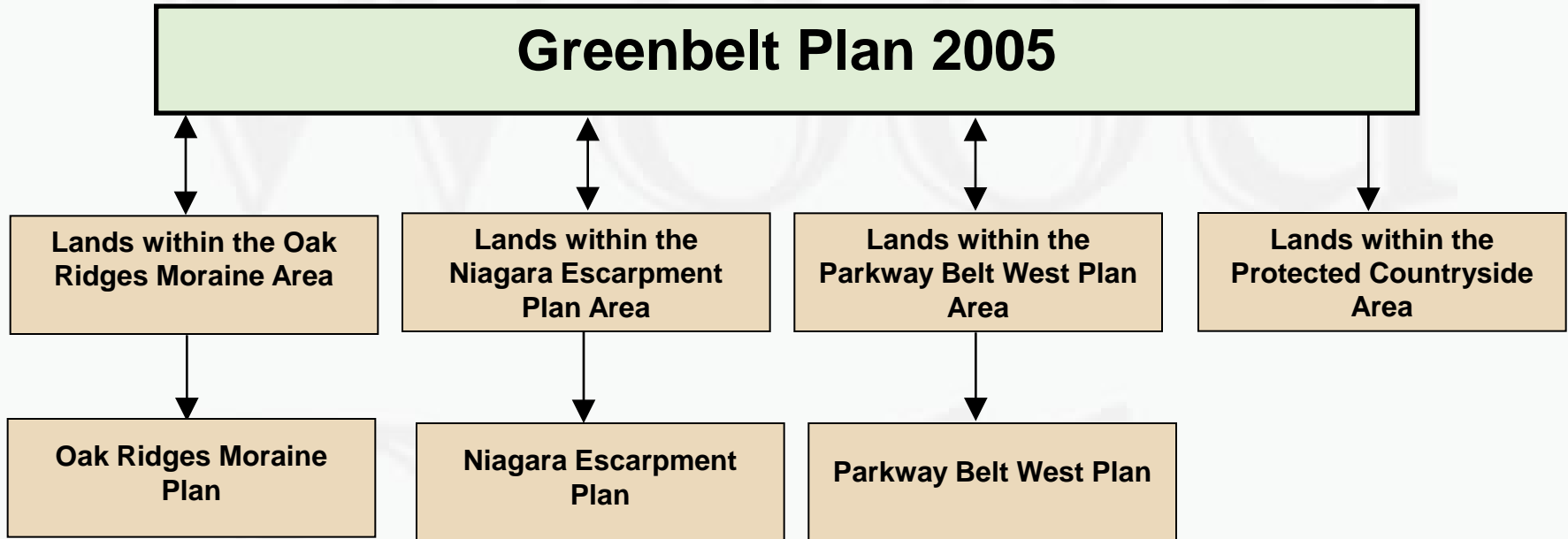
Greenbelt Act, 2005

- Amendment to Plan (section 11)
 - Proposed by the Minister
 - No municipality/private amendment applications
 - No reduction in total land area within the Greenbelt Plan (section 12(2))

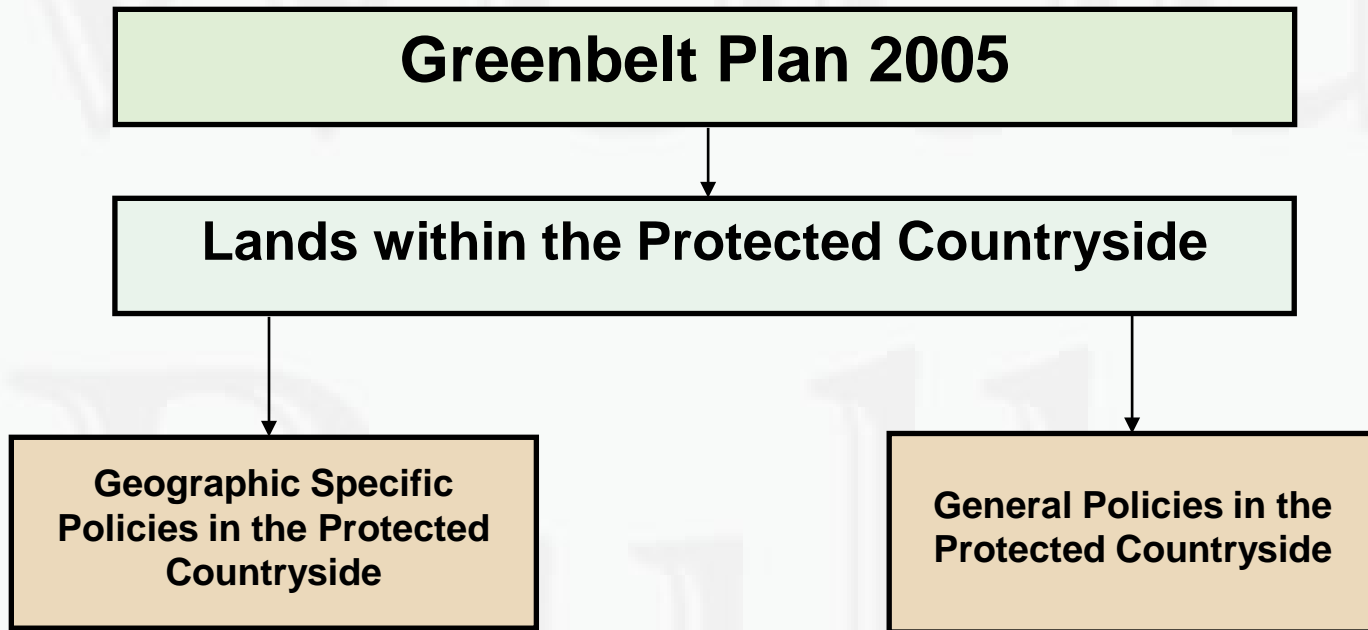
Greenbelt Plan, Feb. 28 2005



Greenbelt Plan (February 28, 2005)

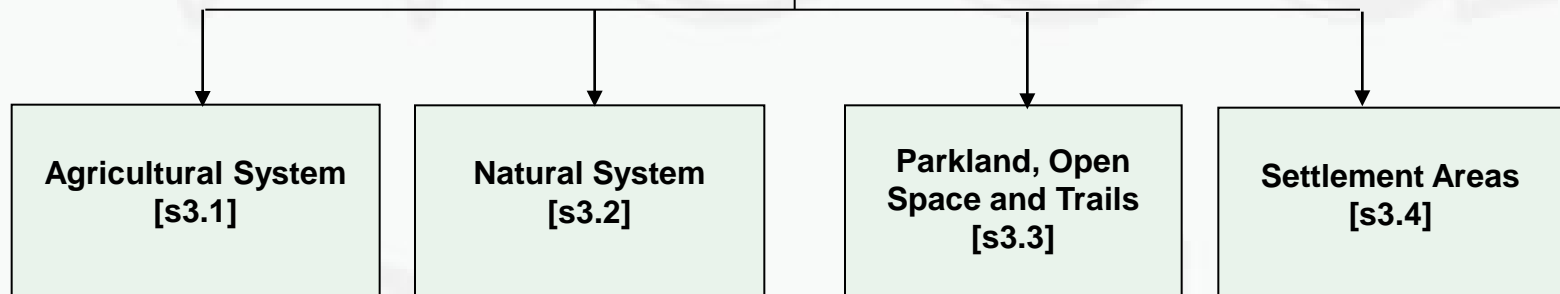


Greenbelt Plan (February 28, 2005)



Greenbelt Plan (February 28, 2005)

Geographic Specific Policies in the Protected Countryside [s3.0]

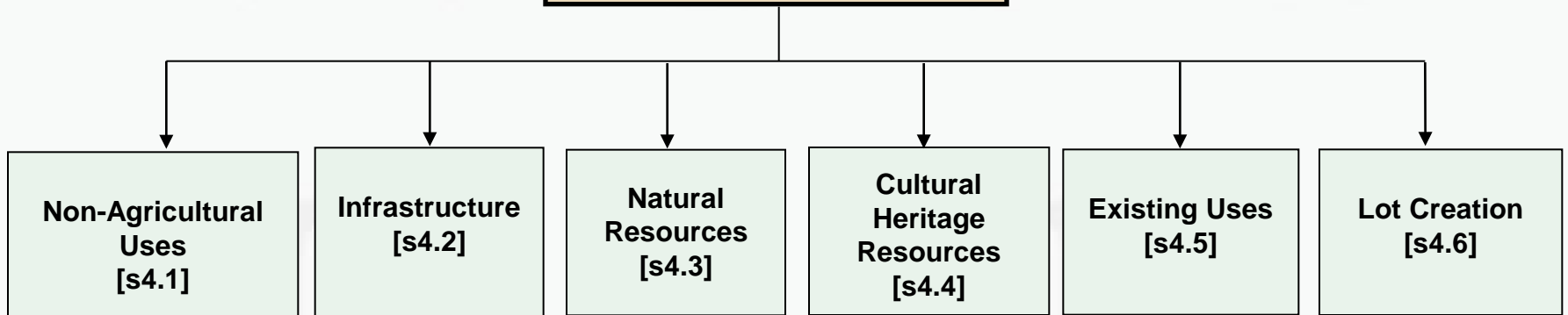


- **Specialty crop areas**
- **Prime agricultural areas**
 - Lands designated in municipal OP
- **Rural areas**
 - Lands outside settlement areas in municipal OP

- **Towns/Villages**
 - As identified in municipal OP
 - Existing OP policies continue to apply
- **Hamlets**
 - As identified in municipal OP
 - Existing OP policies continue to apply
- **Settlement Area expansion policies** (transitional provisions) (section 3.4.4)

Greenbelt Plan (February 28, 2005)

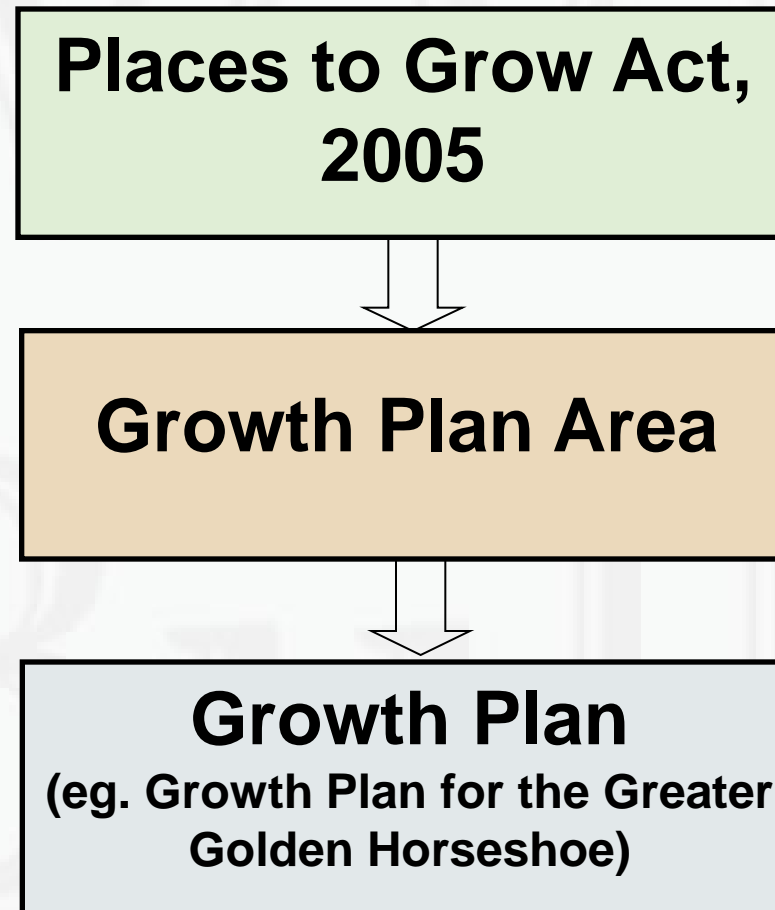
General Policies in the Protected Countryside [s4.0]



Greenbelt Act, 2005: Review of the Plan

- The Minister shall ensure that a review of the Greenbelt Plan is carried out every 10 years after the date the Greenbelt Plan comes into force to determine whether it should be revised. (section 10)
- This review shall be carried out in conjunction with the reviews carried on under section 17 of the *Niagara Escarpment Planning and Development Act* and under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*.

Places to Grow Act, 2005



Places to Grow Act, 2005

- Received Royal Assent on June 13, 2005
- Purposes of the *Act* (section 1)
- Designation of growth plan areas (section 3)
- Preparation of growth plan (section 4)
 - Advisory Committee may be appointed to advise Minister on growth plan, amendments, etc. (section 5)

Places to Grow Act, 2005

- Contents of plan (section 6)

A growth plan may contain,

- (a) population projections and allocations;
- (b) an assessment and identification of priority growth areas, emerging growth areas and future growth areas, over specified time periods;
- (c) growth strategies for all or part of the growth plan area;

Places to Grow Act, 2005

- Contents of plan (section 6)

- (d) policies, goals and criteria in relation to,

- (i) intensification and density,
 - (ii) land supply for residential, employment and other uses,
 - (iii) expansions and amendments to the boundaries of areas of settlement,
 - (iv) the location of industry and commerce,
 - (v) the protection of sensitive and significant lands, including agricultural lands, and water resources,
 - (vi) non-renewable resources,

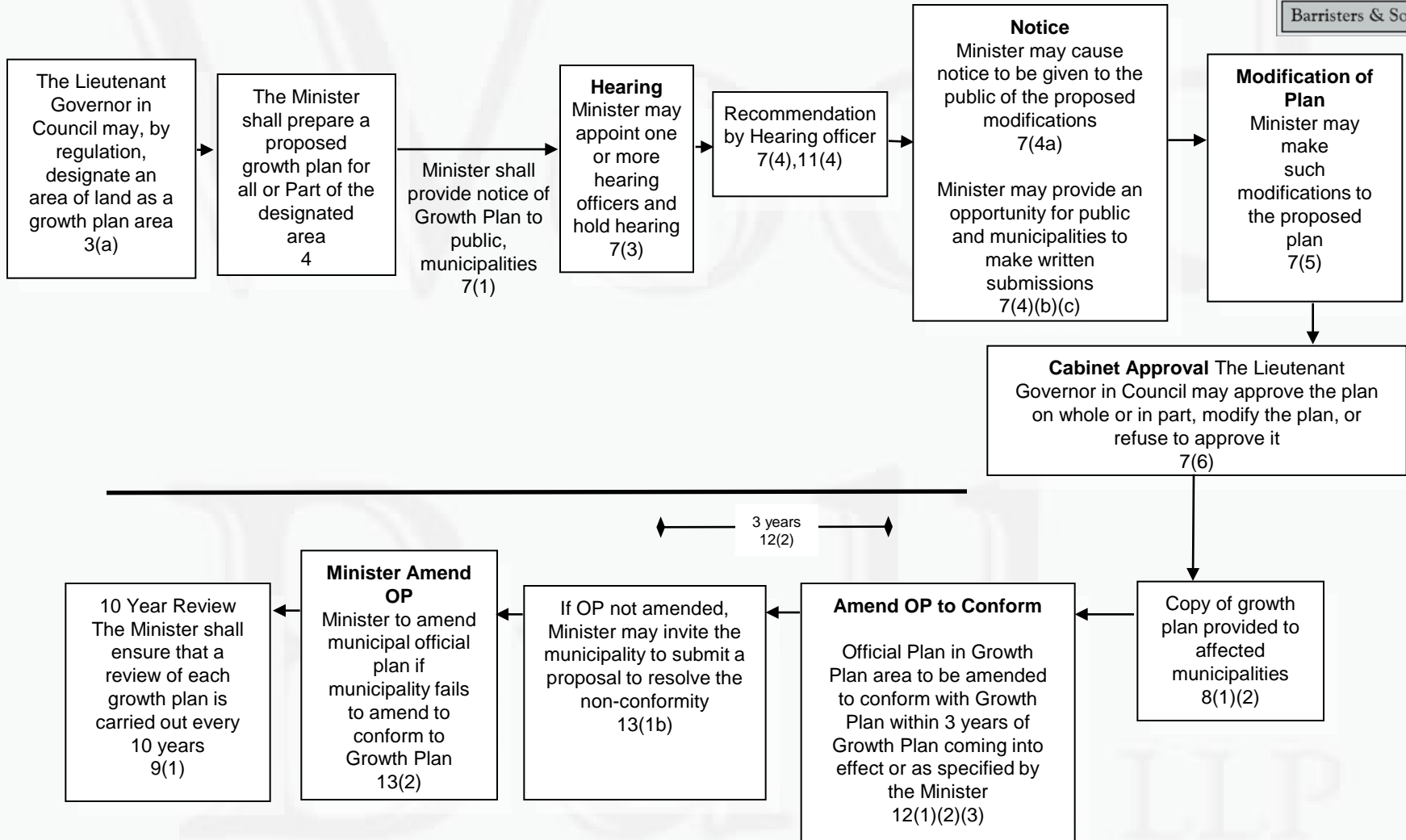
Places to Grow Act, 2005

- Contents of plan (section 6)
 - (d) **policies, goals and criteria in relation to,**
 - (vii) the conservation of energy,
 - viii) infrastructure development and the location of infrastructure and institutions,
 - (ix) transportation planning,
 - (x) municipal waste management planning,
 - (xi) the co-ordination of planning and development among municipalities,
 - (xii) growth-related capital spending and financing,
 - (xiii) affordable housing,
 - (xiv) community design,
 - (xv) specified actions to be taken by municipalities to implement or achieve the policies or goals;
 - (e) **such other policies, goals or matters that the Minister considers advisable.**

Places to Grow Act, 2005

- Plan to be approved by Cabinet (section 7(6))
- Amendments to growth plan (section 10)
 - By Minister only
 - No municipal/private amendment applications

Places to Grow Act, 2005



IMPLEMENTATION OF A GROWTH PLAN

Places to Grow Act, 2005

- Municipality to amend official plan to conform with growth plan

Official plan conformity

The council of a municipality or a municipal planning authority that has jurisdiction in an area to which a growth plan applies shall amend its official plan to conform with the growth plan. (section 12(1))

Deadline for amendments

The council or municipal planning authority shall make any amendments required by subsection (1) before the third anniversary of the date on which the growth plan comes into effect. (section 12(2))

Same

Despite subsection (2), if the Minister directs the council or municipal planning authority to make the amendments required by subsection (1) on or before a different date, the council or municipal planning authority shall do so. (section 12(3))

Places to Grow Act, 2005

Effect of growth plan

A decision under the *Planning Act* or the *Condominium Act, 1998* or under such other Act or provision of an Act as may be prescribed, made by a municipal council, municipal planning authority, planning board, other local board, conservation authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, or made by such other persons or bodies as may be prescribed that relates to a growth plan area shall conform with a growth plan that applies to that growth plan area. (section 14(1))

Places to Grow Act, 2005

Conflicts re: official plans, by-laws

A growth plan prevails in the case of conflict between the growth plan and,

- (a) an official plan;
- (b) a zoning by-law; or
- (c) subject to subsection (4), a policy statement issued under section 3 of the *Planning Act*. (section 14(2))

Limitation

Section 14(1) does not apply to a policy statement issued under section 3 of the *Planning Act* or a minister's order under section 47 of the *Planning Act*. (section 14(3))

Places to Grow Act, 2005

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Conflicts re: directions in plans, policies

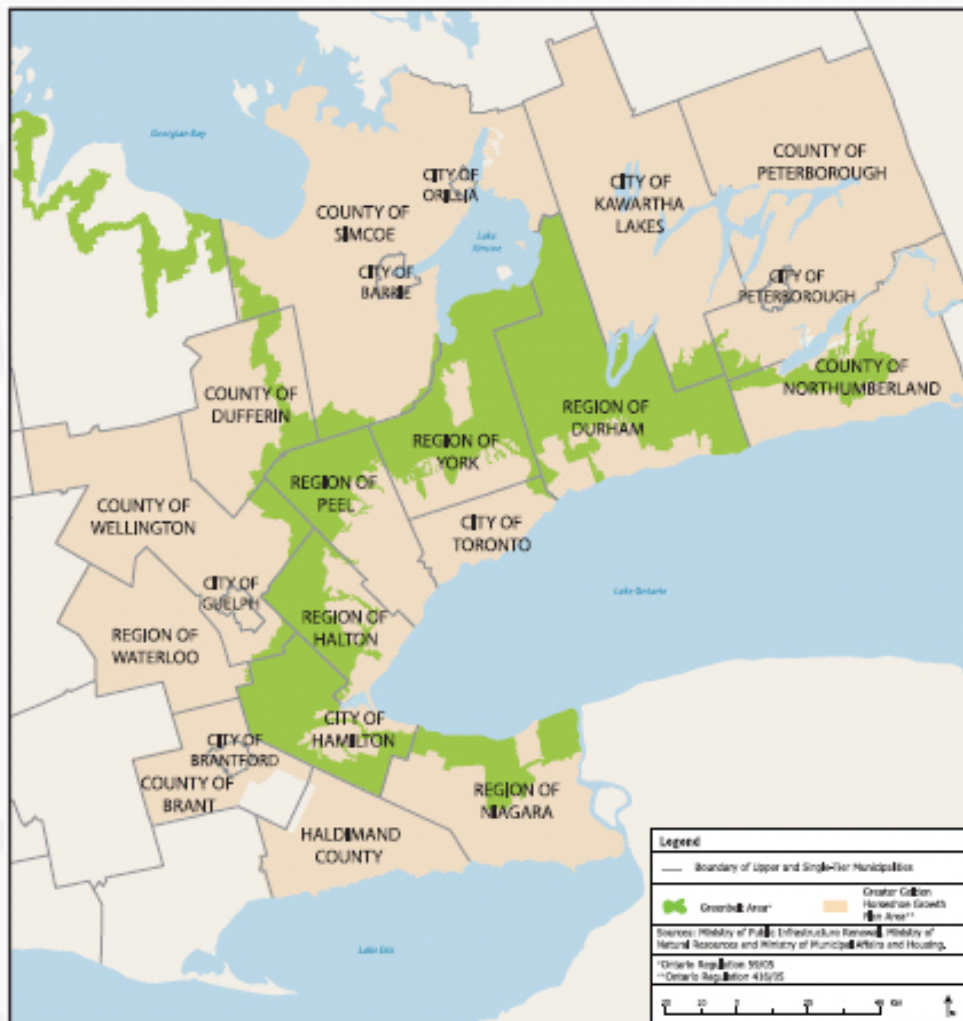
If there is a conflict between a *direction* in a growth plan and a *direction* in a plan or policy that is mentioned in section 14(5) with respect to a matter relating to the natural environment or human health, the *direction* that provides more protection to the natural environment or human health prevails. (section 14(4))

Places to Grow Act, 2005

Plans or policies

The plans and policies to which subsection (4) refers are,

- (a) a policy statement issued under section 3 of the *Planning Act*,
- (b) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005* and any amendment to the Plan;
- (c) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act* and any amendment to the Plan;
- (d) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and any amendment to the Plan;
- (e) a plan or policy made under a prescribed provision of a prescribed Act; and
- (f) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario. (section 14(5))



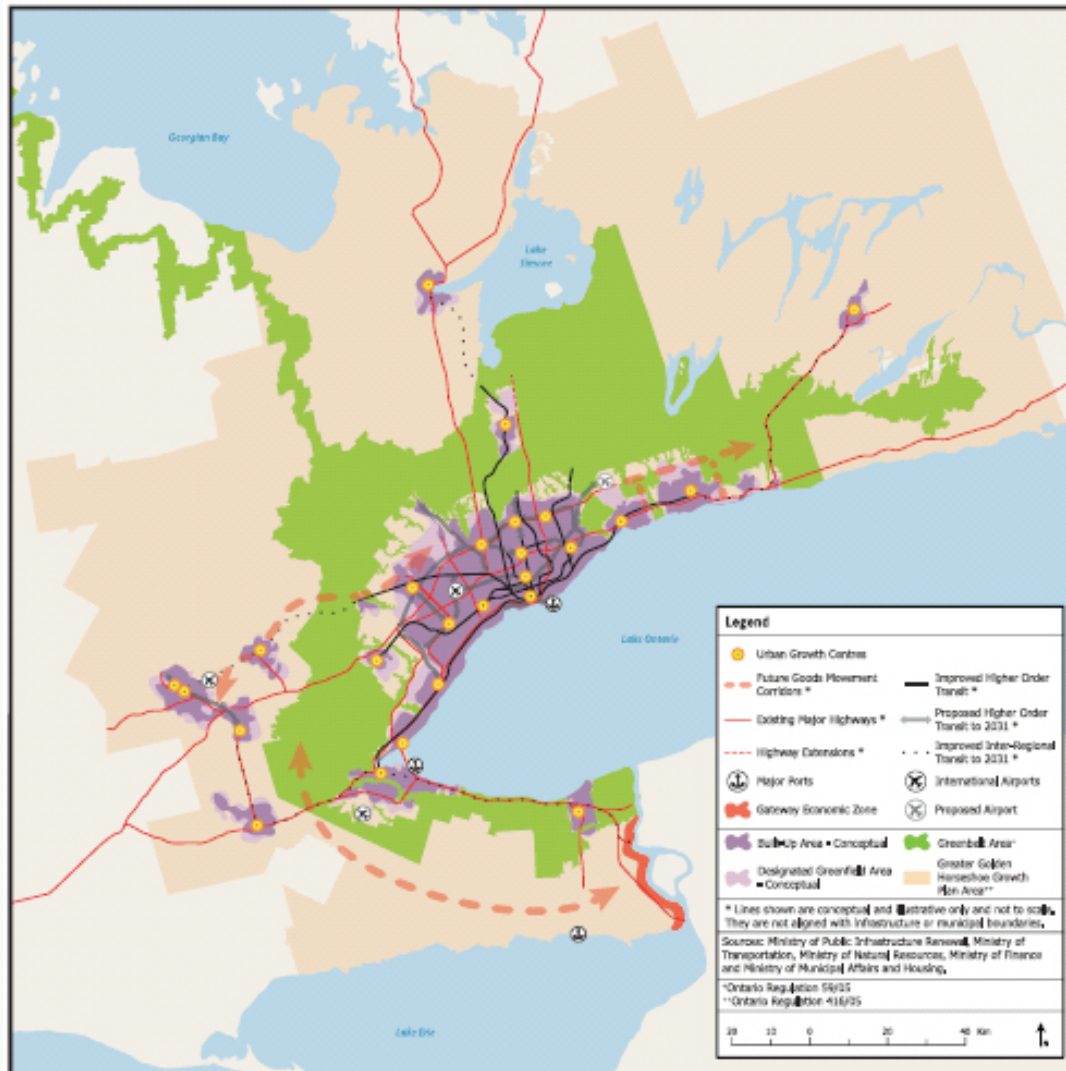
PLACES TO GROW

ONTARIO GROWTH PLAN | NOVEMBER 2006

SCHEDULE 1

Greater Golden Horseshoe Growth Plan Area

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Ontario
PLACES TO GROW
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SCHEDULE 2
Places to Grow Concept

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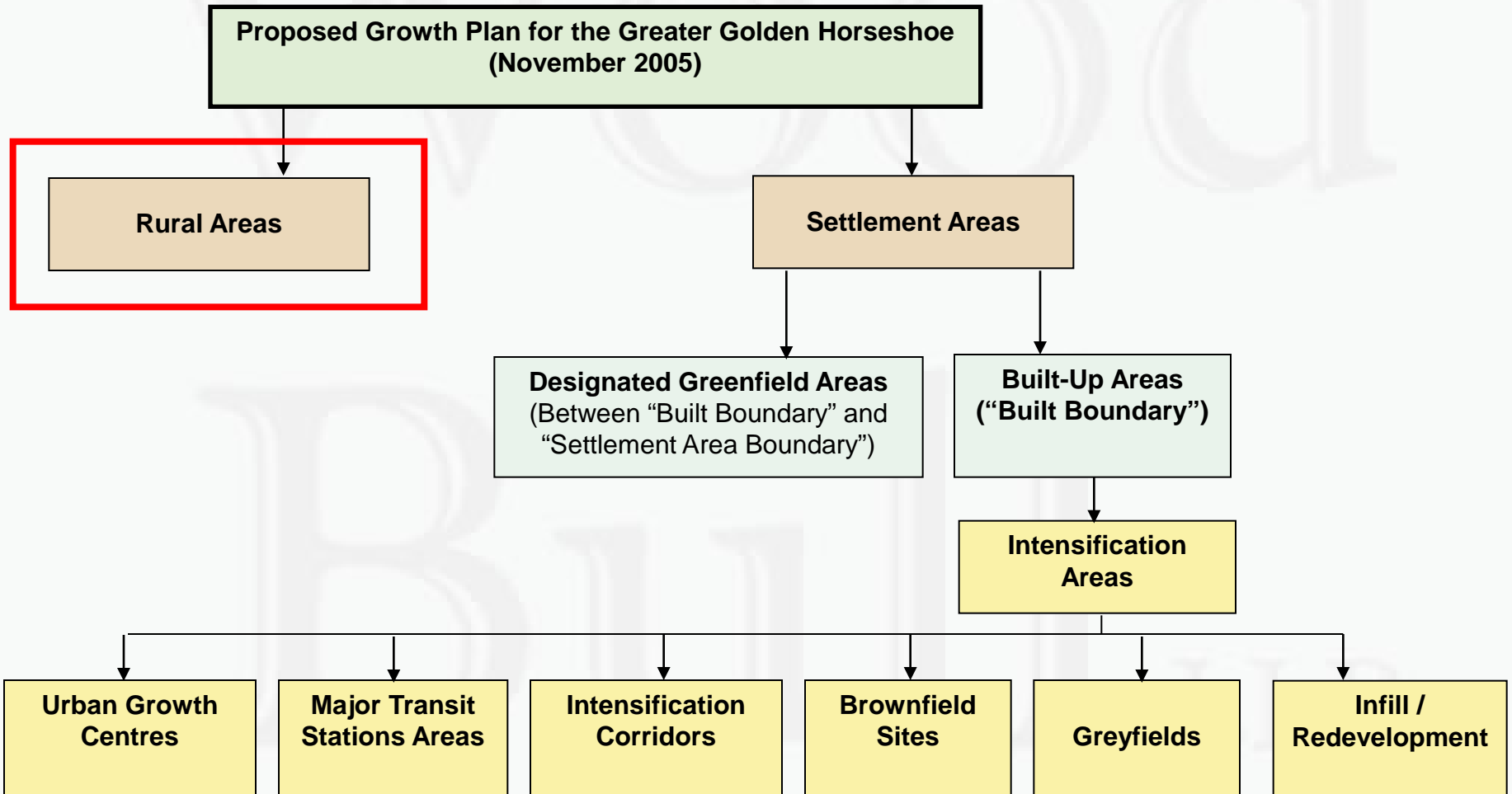
PLACES TO GROW

PROVINCIAL GROWTH PLAN | NOVEMBER 2002

SCHEDULE 4 Urban Growth Centres

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Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Areas / Rural Areas

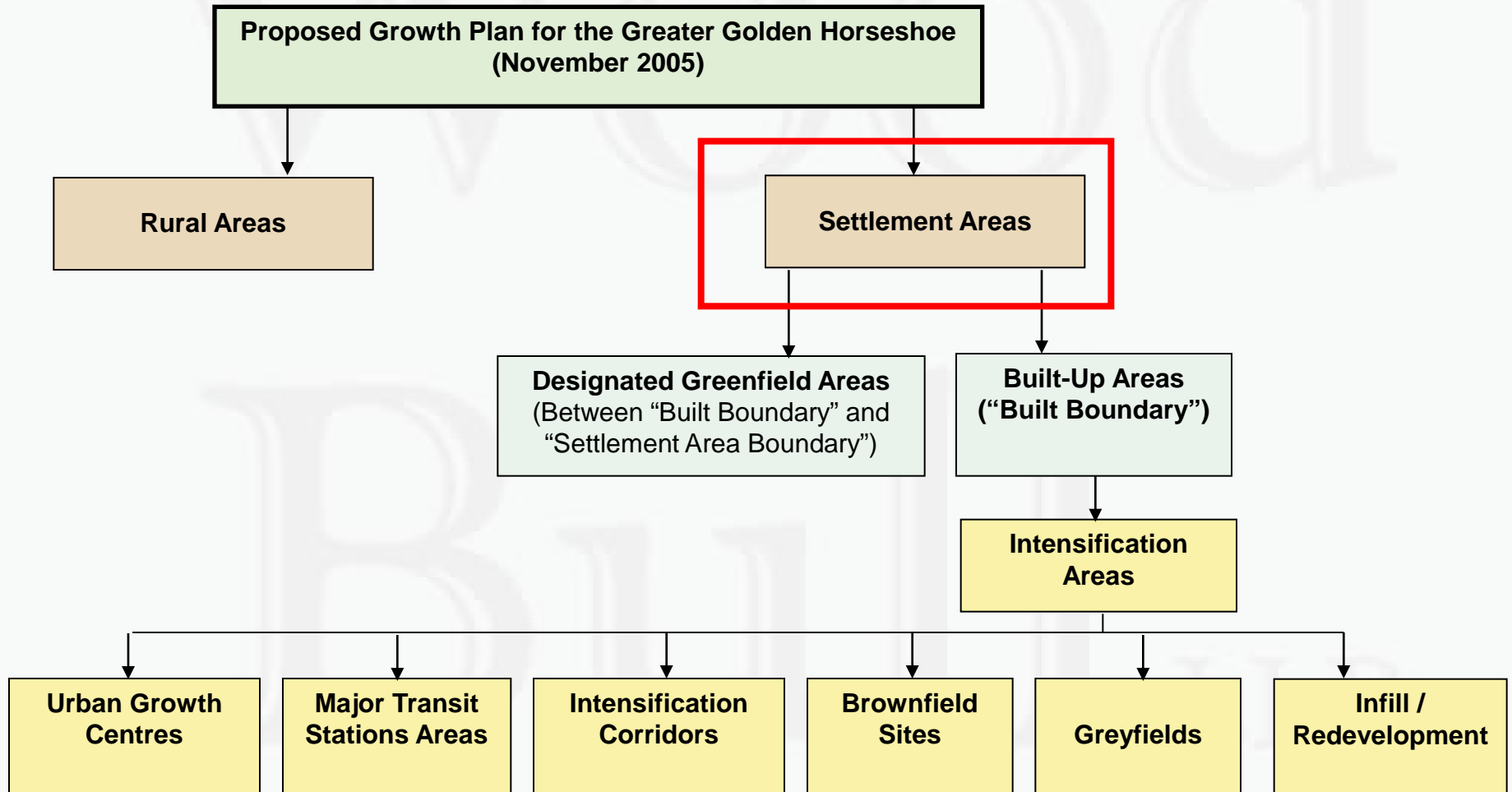
- ***Rural Areas*** - Lands which are located outside *settlement areas* and that are not *prime agricultural areas*. (“Definitions” section)

Settlement Areas / Rural Areas

Rural Areas (s.2.2.9)

- Development in rural areas may be permitted in accordance with Policy 2.2.2.1 i, only where it is compatible with the the rural landscape and can be sustained by rural service levels.
2. New multiple lots and units for residential development will be directed to settlement areas.
 3. New lots and uses in rural areas will be compatible with, and will not hinder, surrounding agricultural operations.
 4. For lands within the Greenbelt Area, the applicable policies in the Greenbelt, Niagara Escarpment and Oak Ridges Moraine Plans apply.

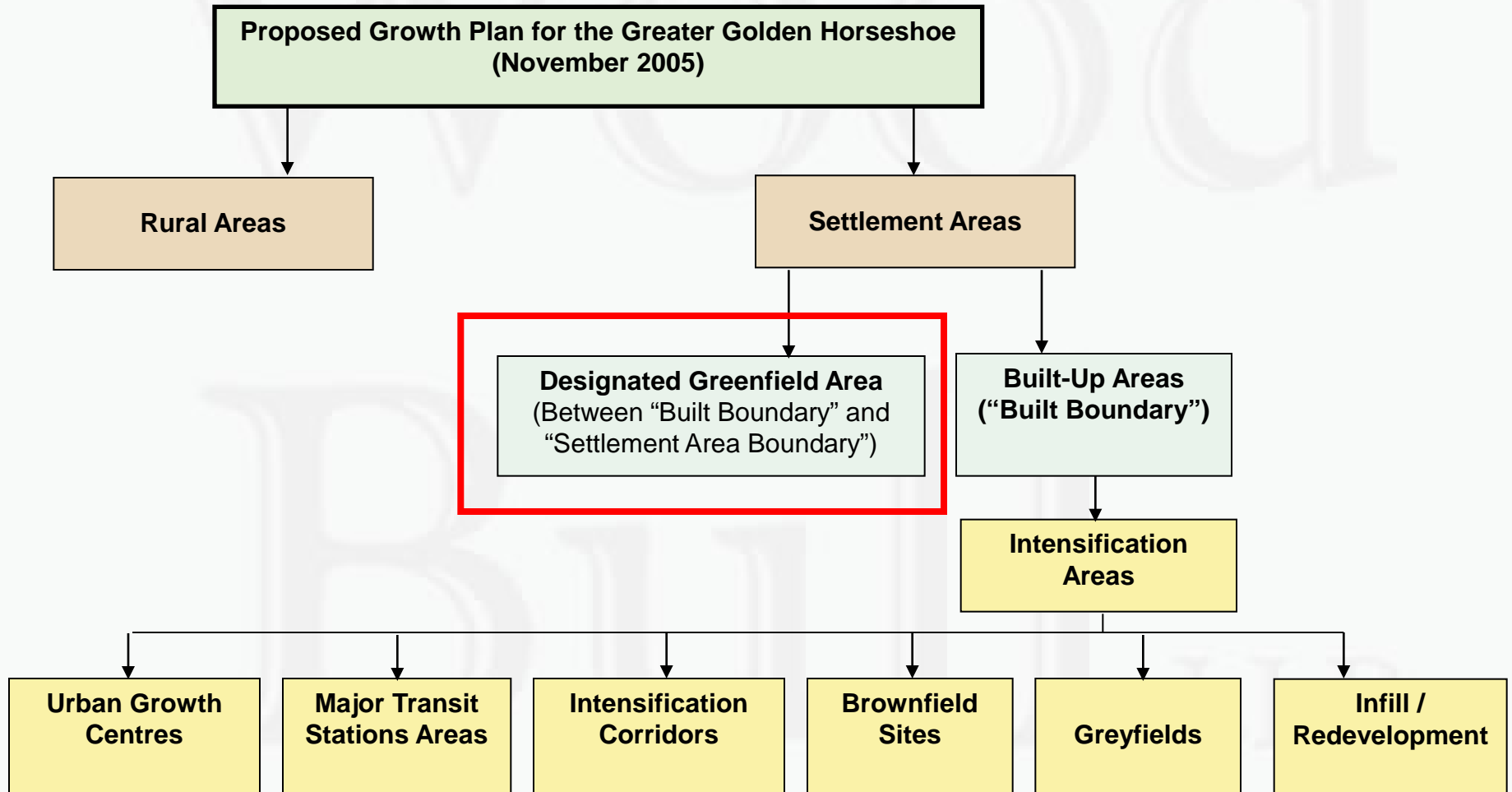
Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Areas / Rural Areas

- **Settlement Areas** – Urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:
 - a) **built-up areas** where development is concentrated and which have a mix of uses; and
 - b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in Policy 1.1.2 of the Provincial Policy Statement, 2005. [ie. Designated Greenfield Area]
- [**Built-up Areas** – All land inside the *built boundary*.]
- [**Built Boundary** – the edge of the developed urban area as defined by the Minister of Public Infrastructure Renewal.]

Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Areas: Designated Greenfield Areas (s.2.2.7)

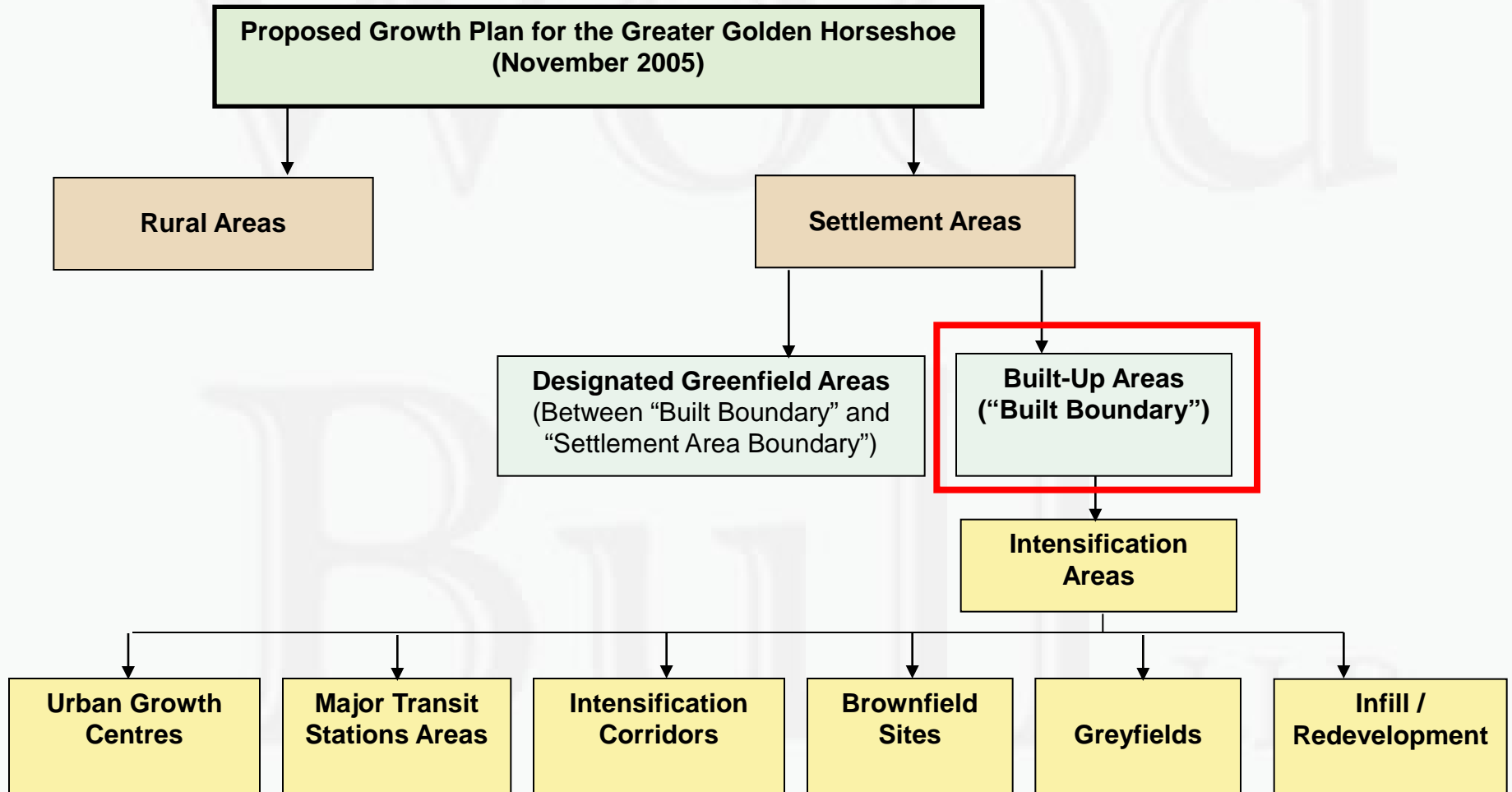
1. The *designated greenfield area* of each upper- or single-tier municipality will be planned to achieve a minimum *density target* that is not less than 50 residents and jobs combined per hectare. This *density target* will be measured over the entire *designated greenfield area* of each upper-or single-tier municipality, excluding *natural heritage features and areas* where development is not permitted in accordance with provincial plans and policies.

Settlement Areas: Designated Greenfield Areas (s.2.2.7)

2. Upper- and single-tier municipalities will develop and implement official plan policies, including phasing policies, and other strategies, for *designated greenfield areas* to achieve the *intensification target* and *density targets* of this Plan.

3. New development taking place in *designated greenfield areas* will be designated, planned, zoned and designed in a manner that -
 - a) creates *complete communities*
 - b) creates street configurations, densities, and urban form that support the early integration and sustained viability of transit services
 - c) provides a diverse mix of land uses to support vibrant neighbourhoods, including residential and employment uses
 - d) creates high quality public open spaces with site design and urban design standards that support opportunities for transit, walking and cycling.

Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Areas: Built-up Areas: General Intensification (2.2.3)

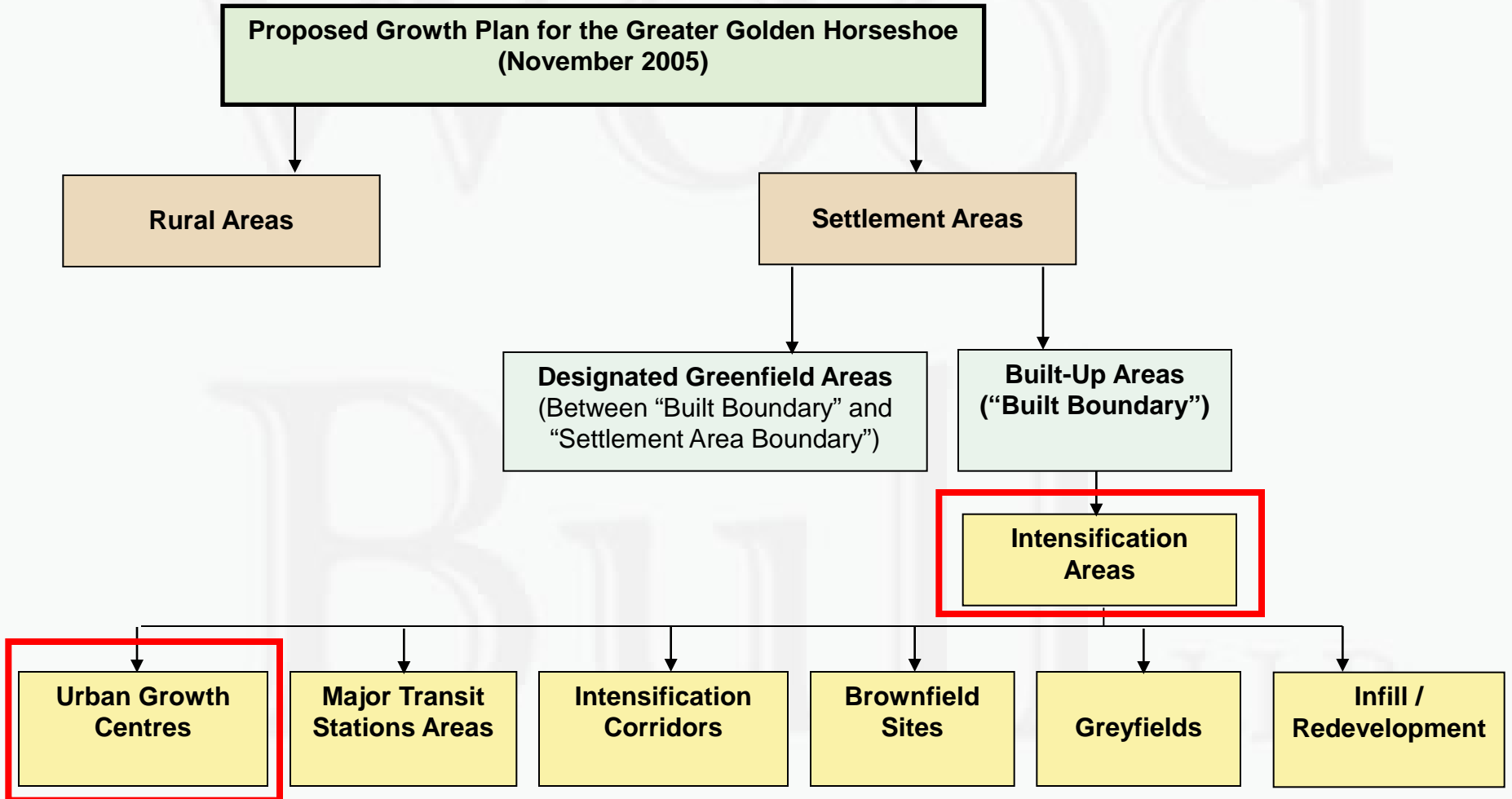
By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier municipality will be within the *built-up area*... (section 2.2.3.1)

[*Intensification Target* – the intensification target is as established in Policy 2.2.3.1, Policy 2.2.3.2, and Policy 2.2.3.3]

Settlement Areas: Built-up Areas: General Intensification (2.2.3)

6. All upper- and single-tier municipalities, in consultation with lower-tier municipalities, will develop and implement official plan policies and outline a strategy to phase-in and to achieve the *intensification target*. These policies and the strategy will -
 - a) be based on the forecasts contained in Schedule 3
 - b) encourage intensification generally throughout the built-up area
 - c) identify *intensification areas* to support achievement of the intensification target
 - d) incorporate the built boundary delineated in accordance with Policy 2 into their Official Plans
 - e) recognize *urban growth centres*' and major transit station areas' as a key focus for development to accommodate intensification
 - f) facilitate and promote intensification
 - g) identify the appropriate type and scale of development in *intensification areas*
 - h) include minimum *density targets* for *intensification areas* consistent with the planned transit service levels, and any transit—supportive land use guidelines established by the Government of Ontario
 - i) achieve a range and mix of housing, including affordable housing needs
 - j) encourage the creation of secondary suites throughout the built-up area.

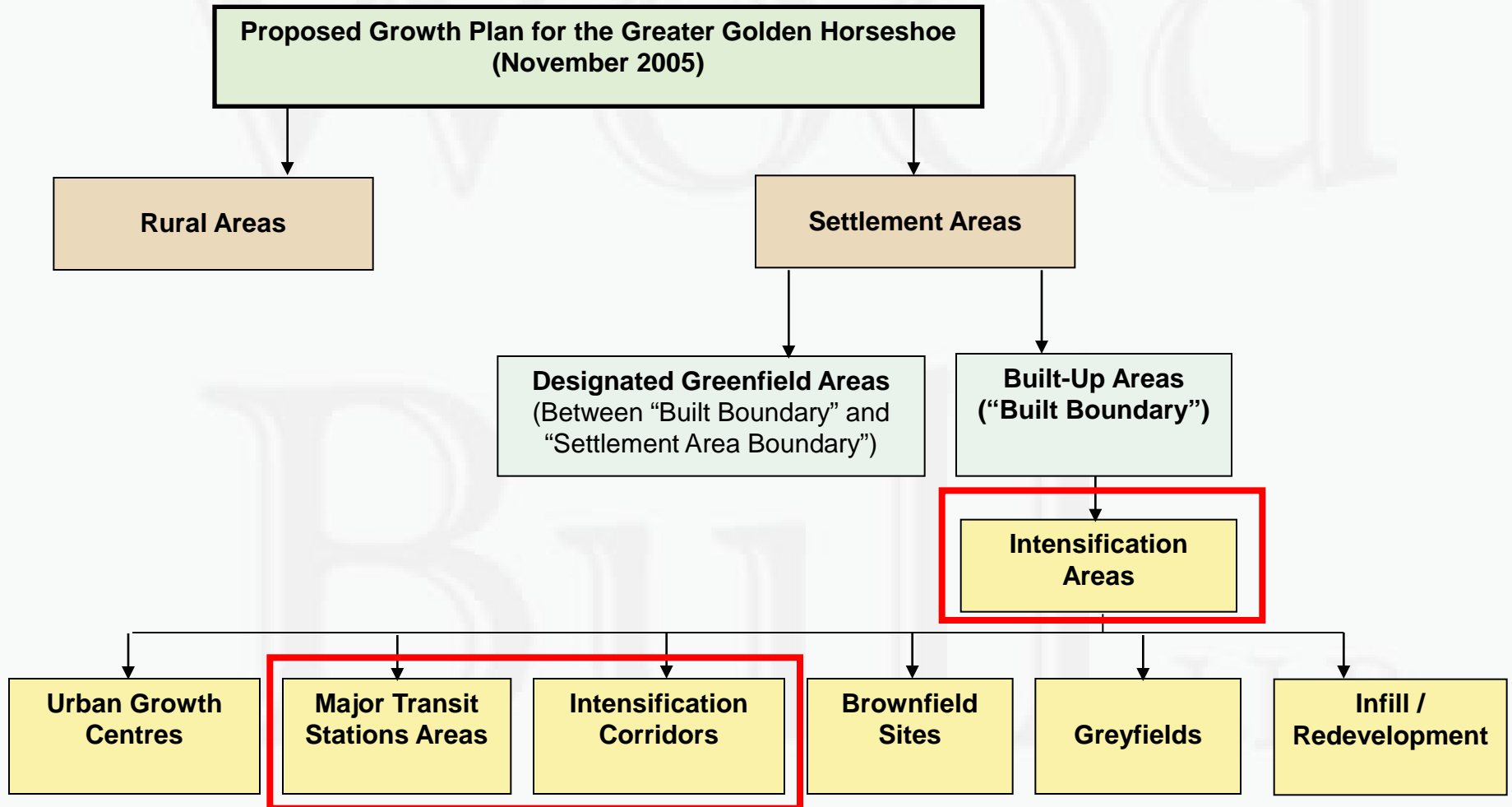
Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Areas: Built-up Areas: Urban Growth Centres (s.2.2.4)

3. *Urban growth centres* will be designated in official plans and planned - ...
4. Municipalities will delineate the boundaries of the *urban growth centres* identified in this Plan within their official plans.
5. *Urban growth centres* will be planned to achieve, by 2031 or earlier, a minimum gross density target of
 - a) **400 residents and jobs combined per hectare** for each of the *urban growth centres* in the City of Toronto
 - b) **200 residents and jobs combined per hectare** for the Brampton City Centre, Downtown Burlington, Downtown Cambridge, Downtown Hamilton, Downtown Milton, Markham City Centre, Mississauga City Centre, Newmarket Centre, Midtown Oakville, Downtown Oshawa, Downtown Pickering, Richmond Hill/Langstaff Gateway, Vaughan Corporate Centre, Downtown Kitchener and Uptown Waterloo *urban growth centres*
 - c) **150 residents and jobs combined per hectare** for the Downtown Barrie, Downtown Brantford, Downtown Guelph, Downtown Peterborough and Downtown St. Catharines *urban growth centres*.

Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



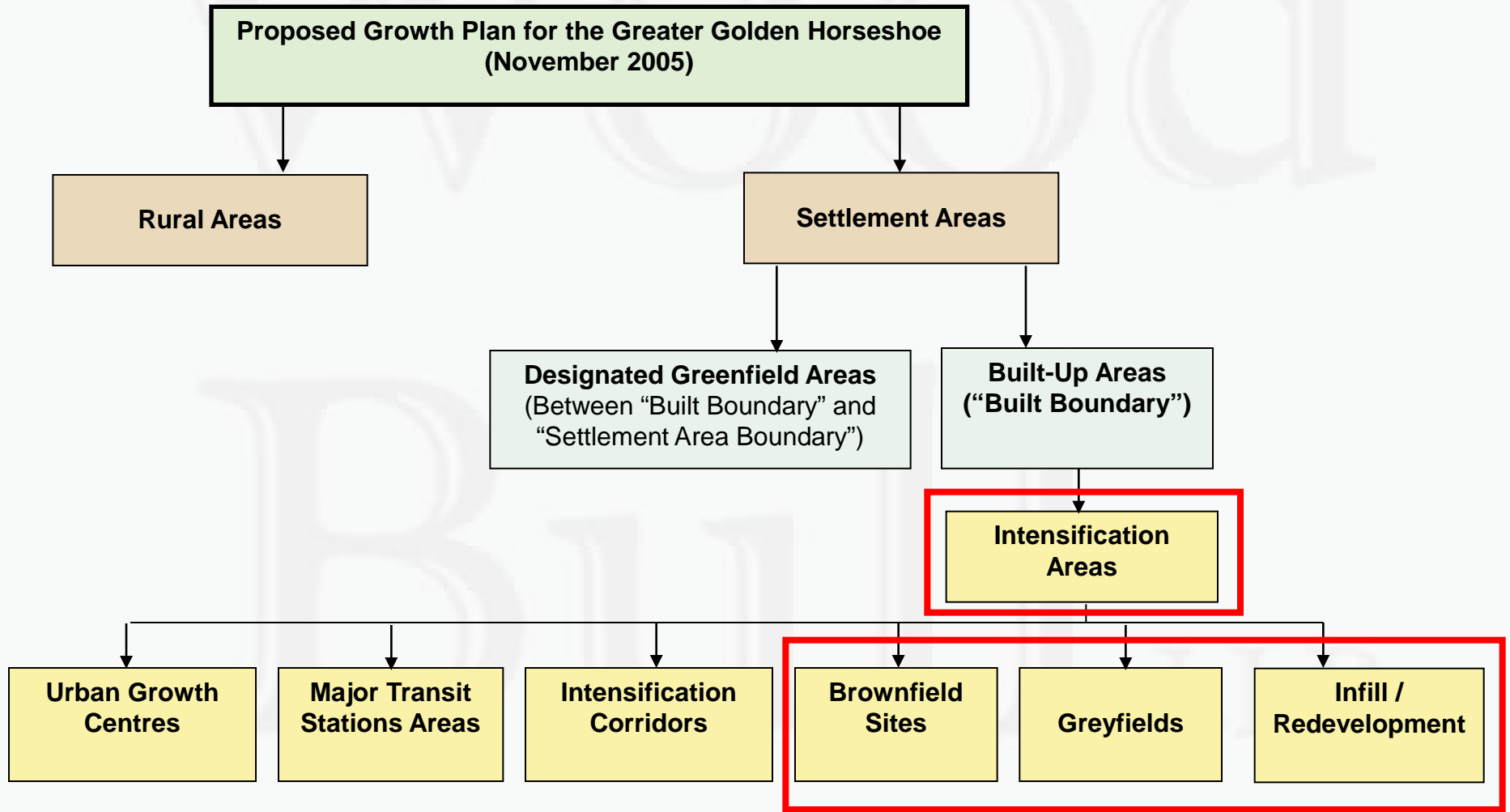
Settlement Areas: Built-up Areas: Major Transit Station Areas / Intensification Corridors (2.2.5)

- *Major Transit Station Area* – The area including and around any existing or planned *higher order transit* station within a *settlement area*, or the area including and around a major bus depot in an urban core. Station areas are generally defined as the area within an approximate 500 m radius of a transit station, representing about a 10-minute walk.
- *Intensification Corridors* – Lands along major roads, arterials or *higher order transit* corridors within the *built boundary* that have the potential to provide a focus for higher density mixed use development consistent with planned transit service levels.

Settlement Areas: Built-up Areas: Major Transit Station Areas / Intensification Corridors (2.2.5)

1. Major transit station areas and intensification corridors will be designated in official plans and planned to -
 - a) serve as locations for large office and commercial development
 - b) achieve residential and employment densities that support existing and planned transit service levels.
2. Major transit station areas will be planned and designed to provide access from various transportation modes to the transit facility including related considerations for pedestrians, bicycle parking and commuter pick-up/drop - off areas.
3. Intensification corridors will generally be planned to accommodate local services, including commercial, recreational, cultural and entertainment uses.

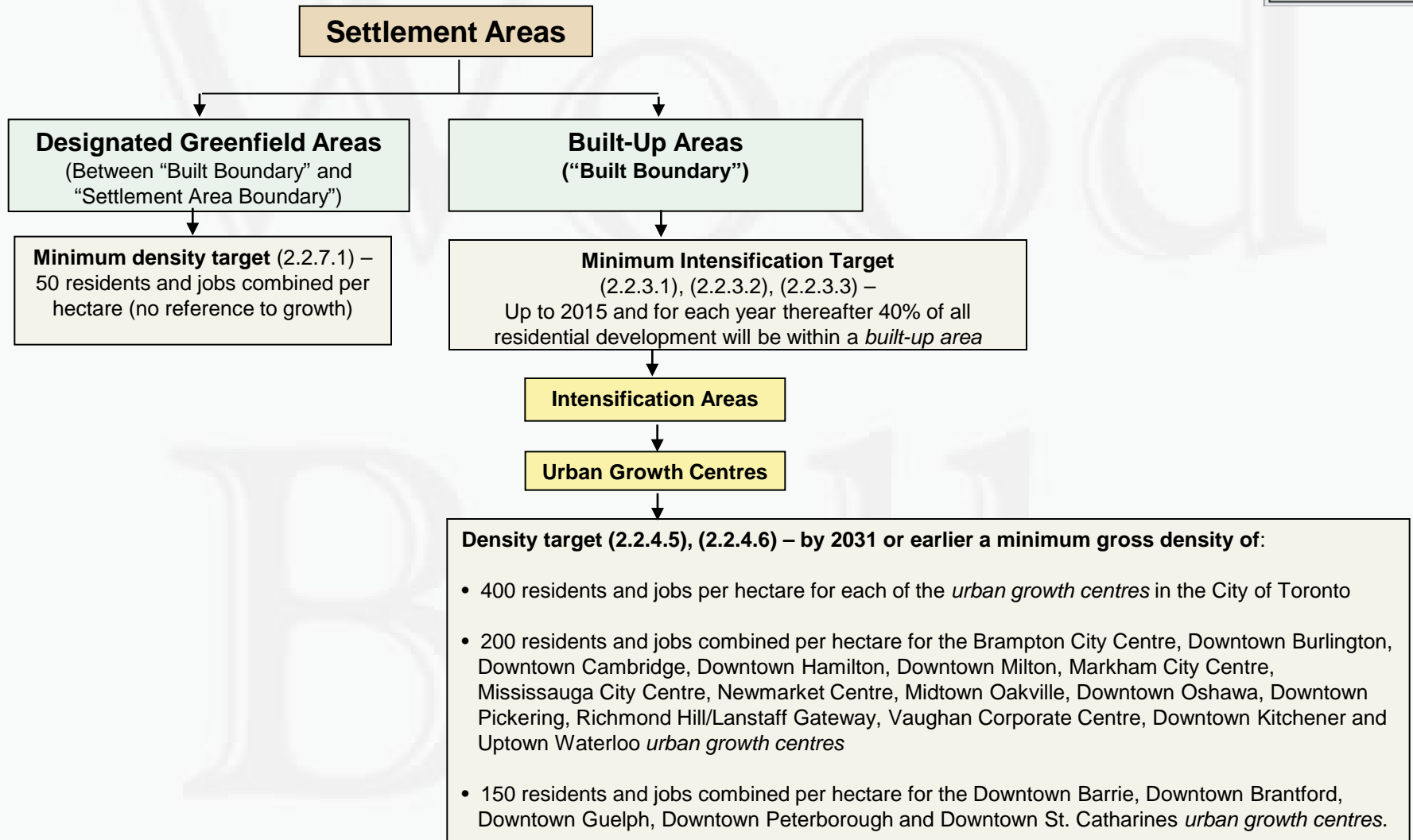
Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Areas: Built-up Areas: Redevelopment / Brownfield Sites / Infill Development / Greyfields

- ***Intensification*** – The development of a property, site or area at a higher density than currently exists through:
 - a) *redevelopment*, including the reuse of *brownfield sites*,
 - b) the development of vacant and/or underutilized lots within previously developed areas;
 - c) *Infill* development; and
 - d) the expansion or conversion of existing buildings.
- ***Brownfield Sites*** – Undeveloped or previously developed properties that may be contaminated... usually... **former industrial or commercial properties that may be underutilized derelict or vacant.**
- ***Greyfields*** – Previously developed properties that are not contaminated... usually... former commercial properties that may be underutilized derelict or vacant.

Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Area Boundary Expansion (s.2.2.8)

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2. The Minister of Public Infrastructure Renewal, in consultation with individual upper- and single-tier municipalities, will determine the need for and maximum amount of additional *designated greenfields area* required for each upper- and single-tier municipality to accommodate the growth forecasts contained in Schedule 3.

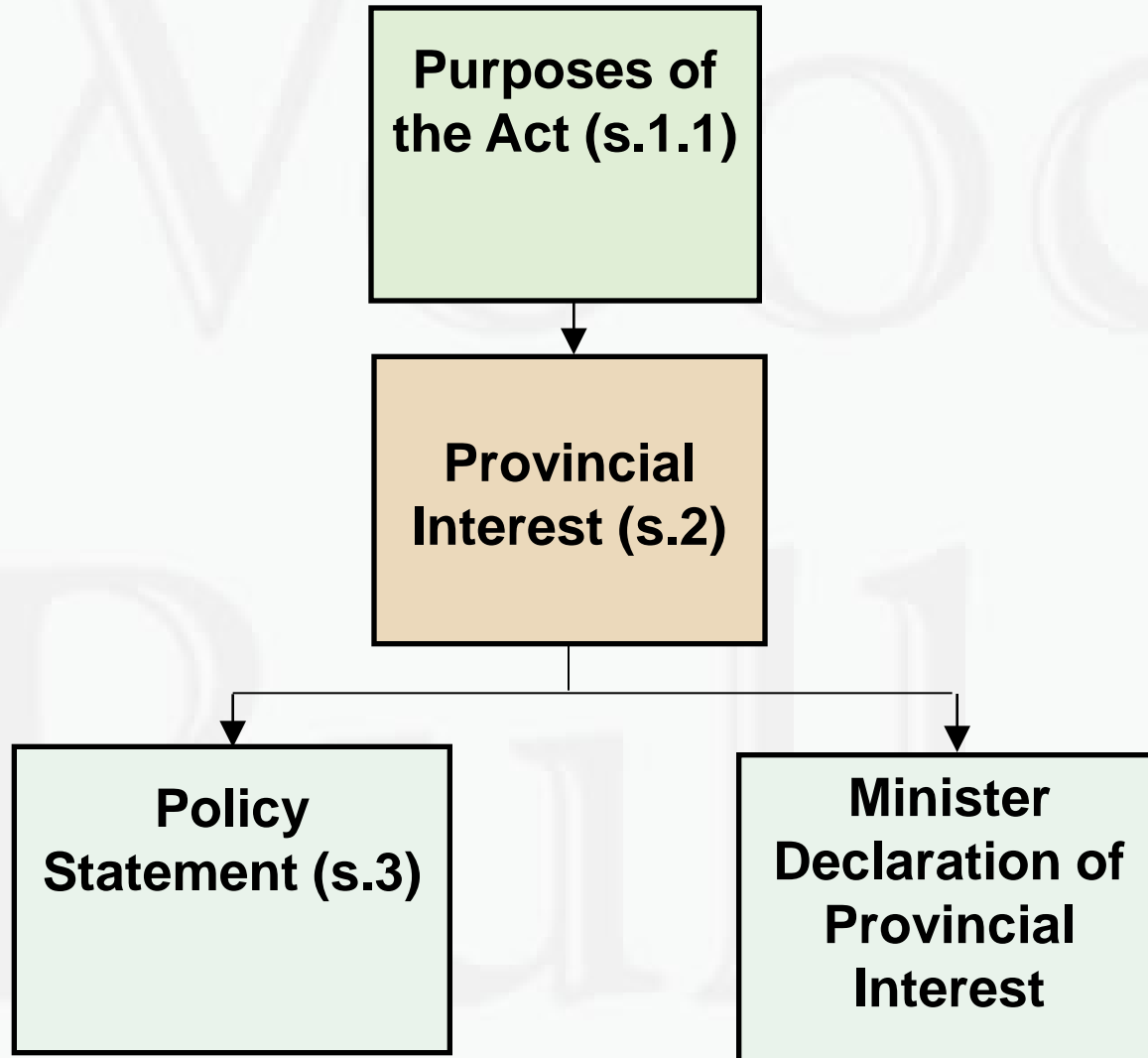
Settlement Area Boundary Expansion (s.2.2.8)

3. A *settlement area* boundary expansion may only occur as part of a *municipal comprehensive review* where it has been demonstrated that -
- a) the proposed expansion does not exceed the maximum amount of additional *designated greenfields area* established in accordance with policy 2.2.8.2...
 - b) the timing of the expansion and the phasing of development within the *designated greenfields area* will not adversely affect the achievement of the *intensification target* and *density targets*, and other policies of this Plan, and where applicable, will be consistent with the relevant policies of the Greenbelt, Oak Ridges Moraine and Niagara Escarpment Plans...

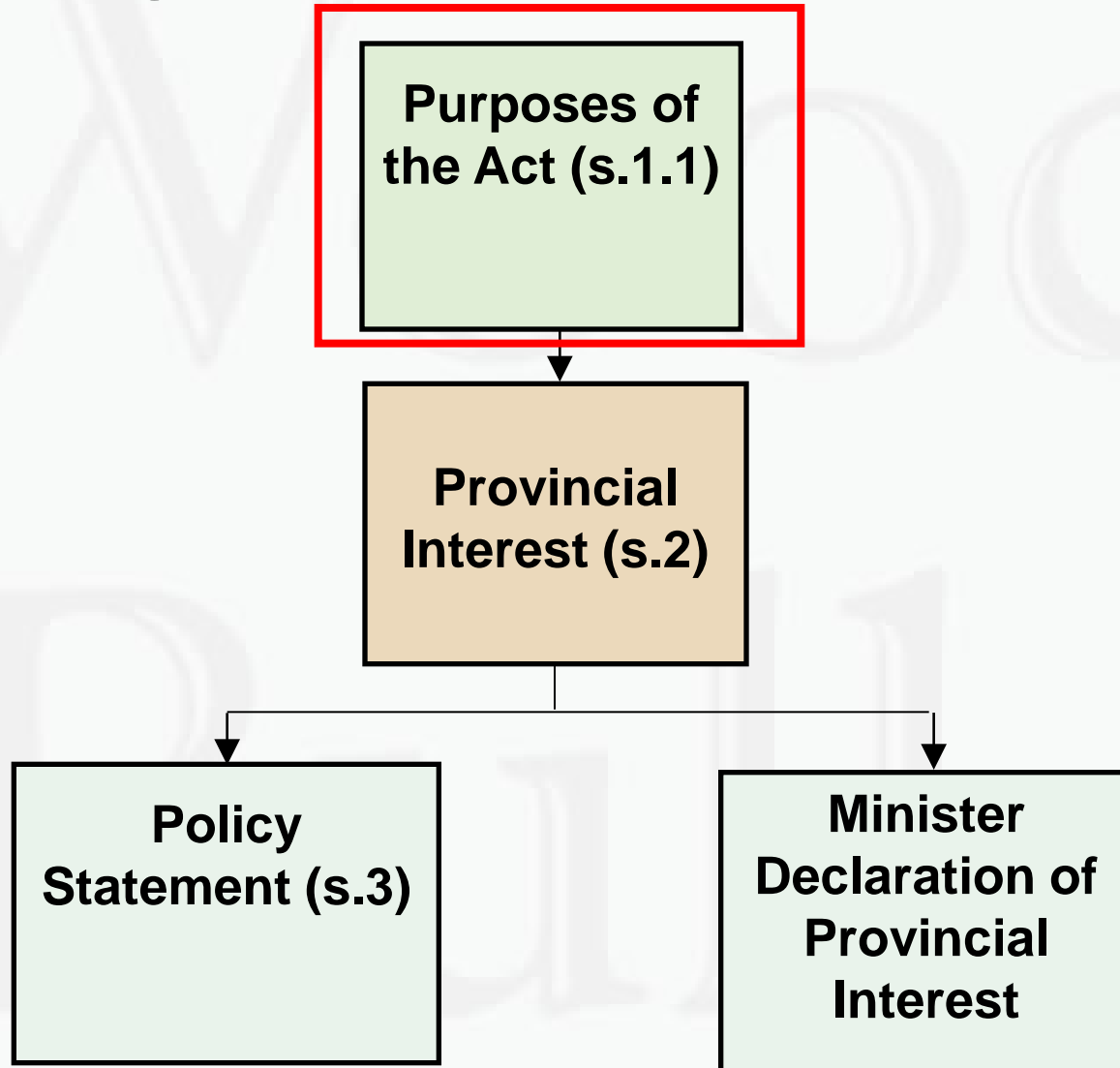
Growth Plan: Review

- The Minister shall ensure that a review of each growth plan is carried out at least every 10 years after the date the plan comes into force to determine whether the plan should be revised. (section 9)

Planning Act



Planning Act

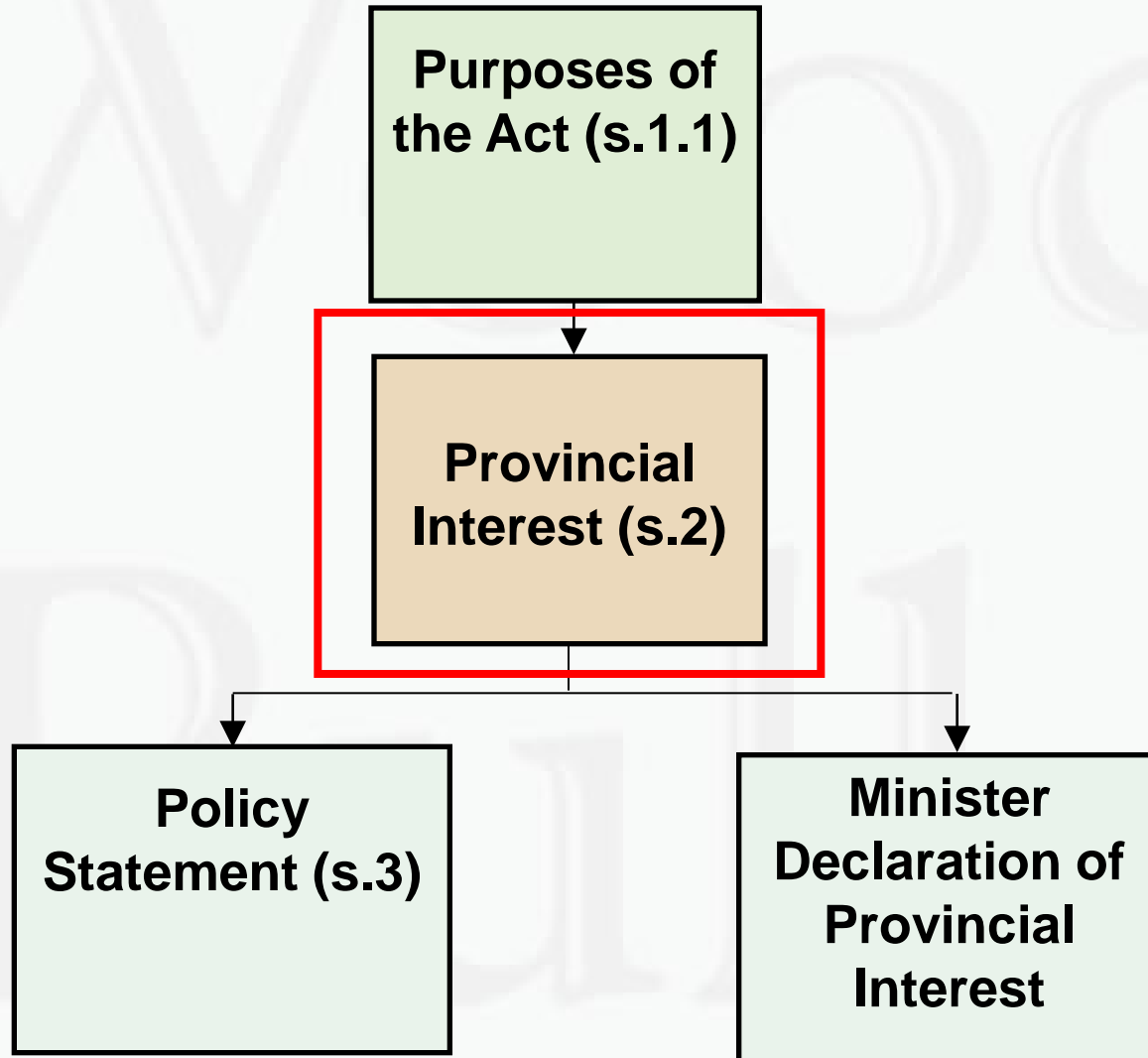


Planning Act:

Purposes of the Act (1.1)

- (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- (b) to provide for a land use planning system led by provincial policy;
- (c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- (e) to encourage co-operation and co-ordination among various interests;
- (f) to recognize the decision-making authority and accountability of municipal councils in planning.

Planning Act



Planning Act: Matters of Provincial Interest (s.2)

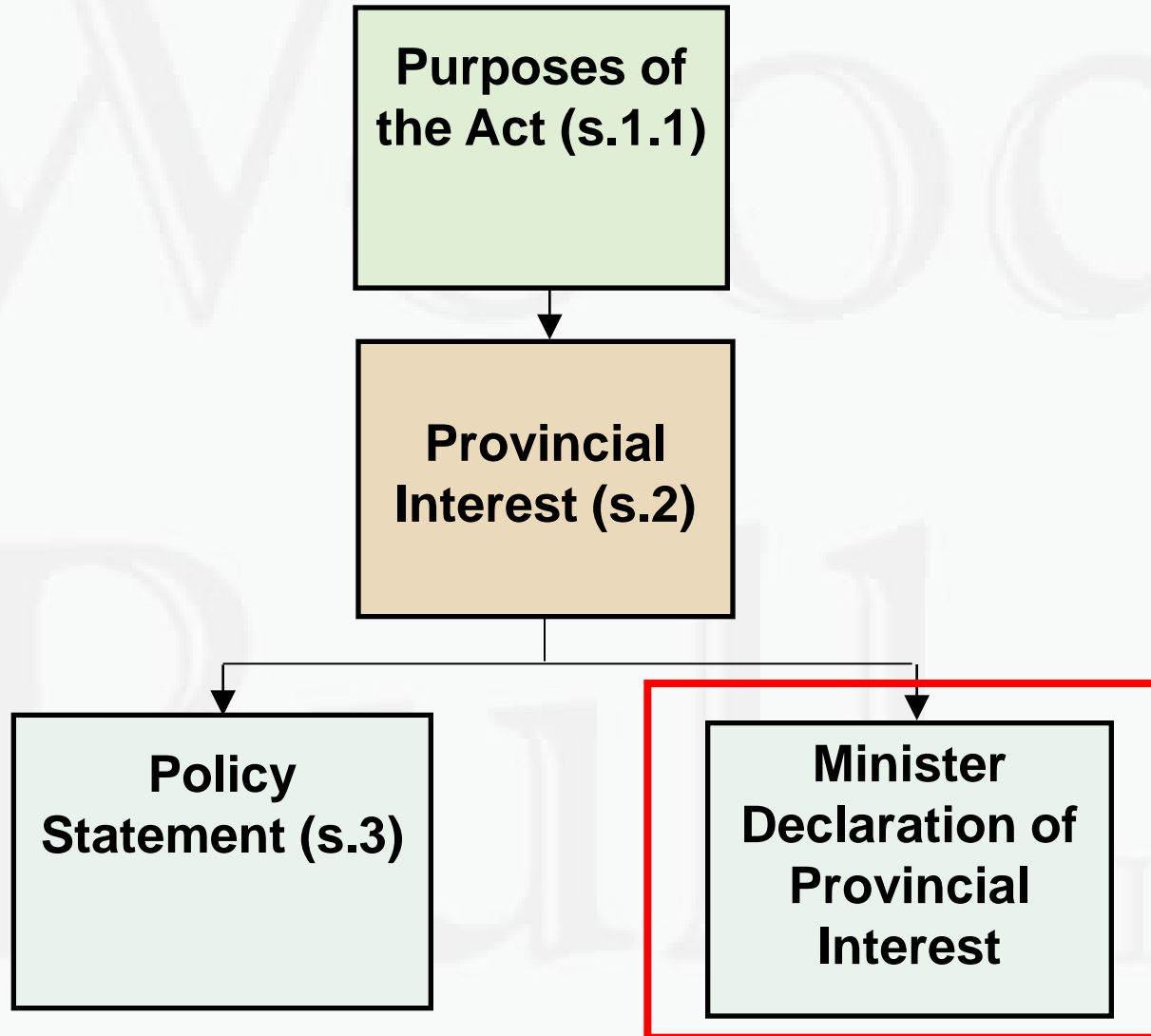
2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;

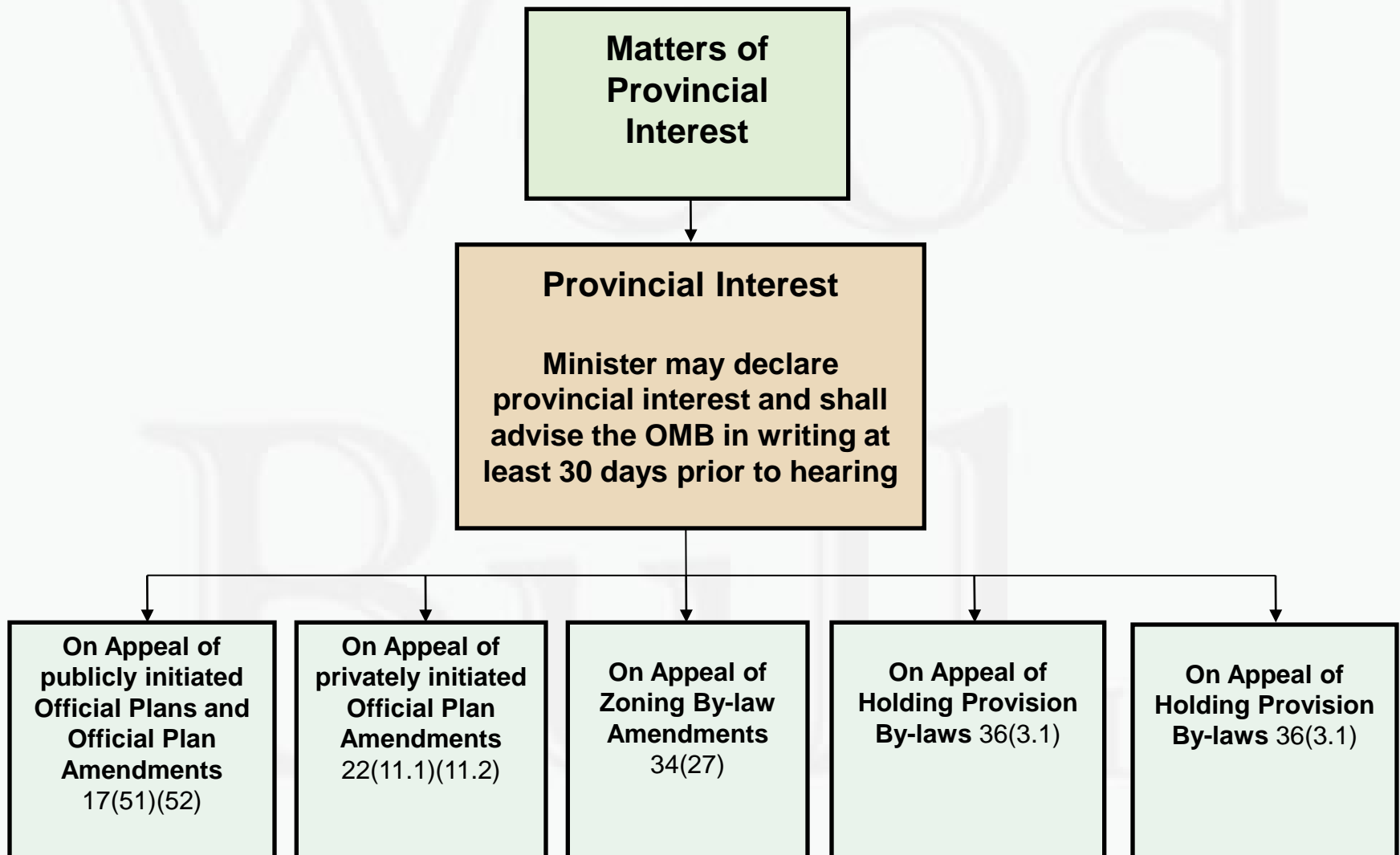
Planning Act: Matters of Provincial Interest (s.2)

- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development.
- (q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians. (Bill 51)***

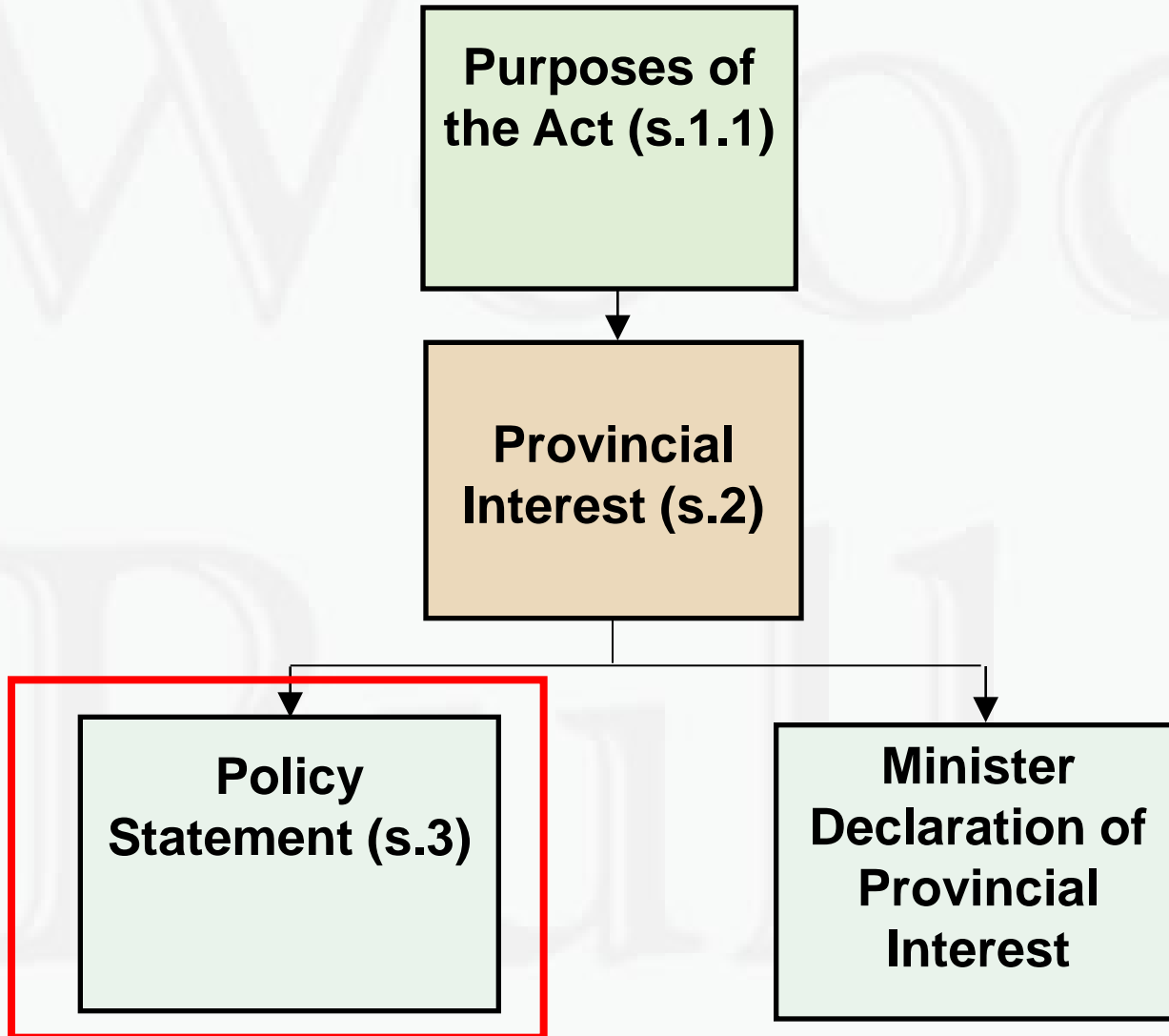
Planning Act



Planning Act: Matters of Provincial Interest (s.2)



Planning Act



Planning Act: Policy Statement

- **Policy statements [s.3(1)]**

The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. (s.3.1)

Planning Act: Policy Statement

- **Consistency with policy statements [s.3(5)]**

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, shall be consistent with policy statements issued under subsection (1).

Planning Act: Policy Statement

- **Advice [s.3(6)]**

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be consistent with policy statements issued under subsection (1).

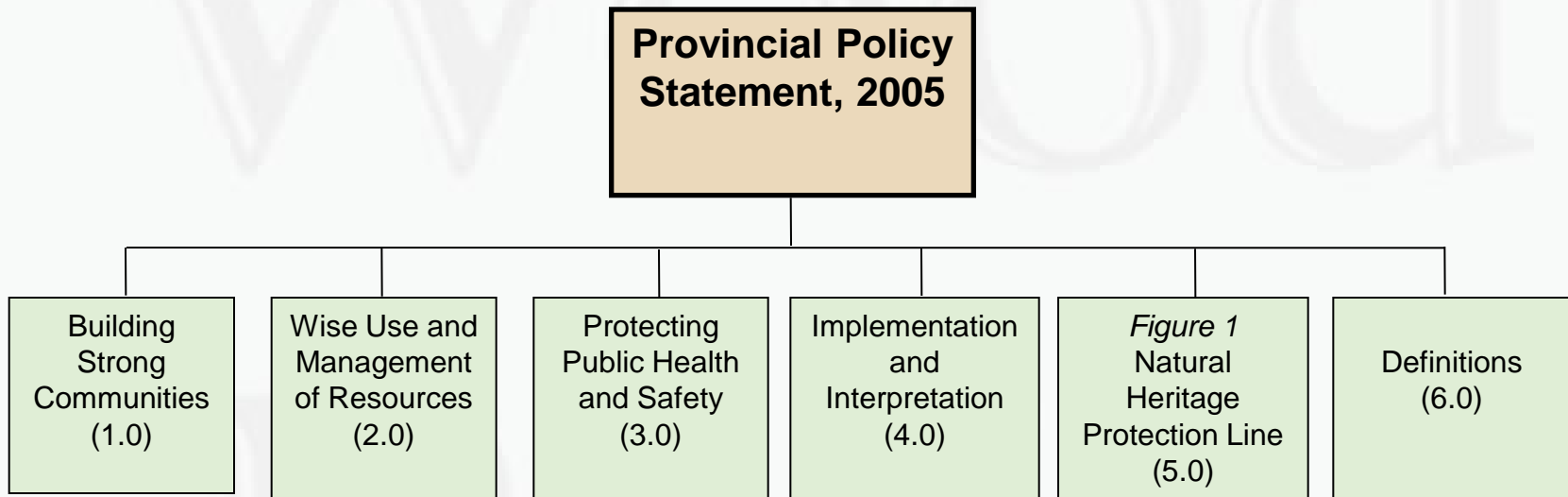
Provincial Policy Statement, 2005

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- Issued under Section 3 of the *Planning Act*
- Approved by the Lieutenant Governor in Council, Order in Council No. 140/2005
- New PPS came into effect on March 1, 2005
- Applies to all applications, matters or proceedings commenced on or after March 1, 2005

Provincial Policy Statement, 2005



Provincial Policy Statement, 2005

1.0 Building Strong Communities

1.1 - Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.2 Coordination

1.3 Employment Areas

1.4 Housing

1.5 Public Spaces, Parks and Open Space

1.6 Infrastructure and Public Service Facilities

1.7 Long-Term Economic Prosperity

1.8 Energy and Air Quality

Provincial Policy Statement, 2005

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

Development and Land Use Patterns

Settlement Areas

Rural Areas in Municipalities

Rural Areas in Territory Without Municipal Organization

Provincial Policy Statement, 2005: Definitions

- *Designated growth areas:*

means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

Provincial Policy Statement, 2005: Definitions

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- *Settlement areas:*

means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- built up areas where development is concentrated and which have a mix of land uses; and
- lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

Provincial Policy Statement, 2005: Definitions

- *Intensification* : means the development of a property, site or area at a higher density than currently exists through:
 - redevelopment, including the reuse of brownfield sites;
 - the development of vacant and/or underutilized lots within previously developed areas;
 - infill development; and
 - the expansion or conversion of existing buildings.
- *Residential intensification*: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:
 - redevelopment, including the redevelopment of brownfield sites;
 - the development of vacant or underutilized lots within previously developed areas;
 - infill development;
 - the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
 - the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

Provincial Policy Statement, 2005: Definitions

- *Comprehensive review:*

means

a) for the purposes of policies 1.1.3.9 and 1.3.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2;
4. is integrated with planning for infrastructure and public service facilities; and
5. considers cross-jurisdictional issues.

Provincial Policy Statement, 2005: Definitions

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- *Comprehensive review:*

means

b) for the purposes of policy 1.1.5, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, infrastructure requirements and related matters;
2. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2; and
3. considers cross-jurisdictional issues.

[1.1.5 Rural Areas in Territory Without Municipal Organization]

Provincial Policy Statement, 2005

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- (a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- (b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- (c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- (d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- (e) promoting cost-effective development standards to minimize land consumption and servicing costs;
- (f) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and
- (g) ensuring that necessary *infrastructure* and public *service facilities* are or will be available to meet current and projected needs.

Provincial Policy Statement, 2005

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1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.1.2 Sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Provincial Policy Statement, 2005

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.1.3.2

Land use patterns within *settlement areas* shall be based on:...

b) range of uses and opportunities for ***intensification*** and *redevelopment* in accordance with the criteria in policy 1.1.3.3

1.1.3.3

Planning authorities shall identify and promote opportunities for ***intensification*** and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Intensification and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Provincial Policy Statement, 2005

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.1.3.4

Appropriate development standards should be promoted which facilitate **intensification**, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

1.1.3.5

Planning authorities shall establish and implement minimum targets for **intensification** and *redevelopment* within built-up areas. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6

Planning authorities shall establish and implement phasing policies to ensure that specified targets for **intensification** and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*.

Provincial Policy Statement, 2005

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.1.3.7

New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure and public service facilities*.

1.1.3.8

Planning authorities shall establish and implement phasing policies to ensure the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure and public service facilities* required to meet current and projected needs.

Provincial Policy Statement, 2005

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.1.3.9

A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities for growth are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
- b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term and protect public health and safety;

Provincial Policy Statement, 2005

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.1.3.9 (cont'd)

- c) in *prime agricultural areas*:
 1. the lands do not comprise *specialty crop areas*;
 2. there are no reasonable alternatives which avoid *prime agricultural areas*; and
 3. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*; and impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

- d) In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Provincial Policy Statement, 2005

1.3 Employment Areas

planning for, protecting and preserving *employment areas*

conversion of lands within *employment areas* to non-employment uses

Provincial Policy Statement, 2005: Definitions

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- *Employment area:*
means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Provincial Policy Statement, 2005: Definitions

- *Comprehensive review:*

means

a) for the purposes of policies 1.1.3.9 and 1.3.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2;
4. is integrated with planning for infrastructure and public service facilities; and
5. considers cross-jurisdictional issues.

Provincial Policy Statement, 2005: Definitions

- *Comprehensive review:*

means

b) for the purposes of policy 1.1.5, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, infrastructure requirements and related matters;
2. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2; and
3. considers cross-jurisdictional issues.

[1.1.5 Rural Areas in Territory Without Municipal Organization]

Provincial Policy Statement, 2005

1.3 Employment Areas

1.3.1 Planning authorities shall promote economic development and competitiveness by:

1. providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
2. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
3. planning for, protecting and preserving *employment areas* for current and future uses; and
4. ensuring the necessary *infrastructure* is provided to support current and projected needs.

Provincial Policy Statement, 2005

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1.3 Employment Areas

1.3.2 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Provincial Policy Statement, 2005

1.6 Infrastructure and Public Service Facilities

Sewage and Water

Transportation Systems

Transportation and Infrastructure Corridors

Airports

Waste Management

Provincial Policy Statement, 2005

2.0 Wise Use and Management of Resources

2.1 Natural Heritage

2.2 Water

2.3 Agriculture

2.4 Minerals and Petroleum

2.5 Mineral Aggregate Resources

2.6 Cultural Heritage and Archaeology

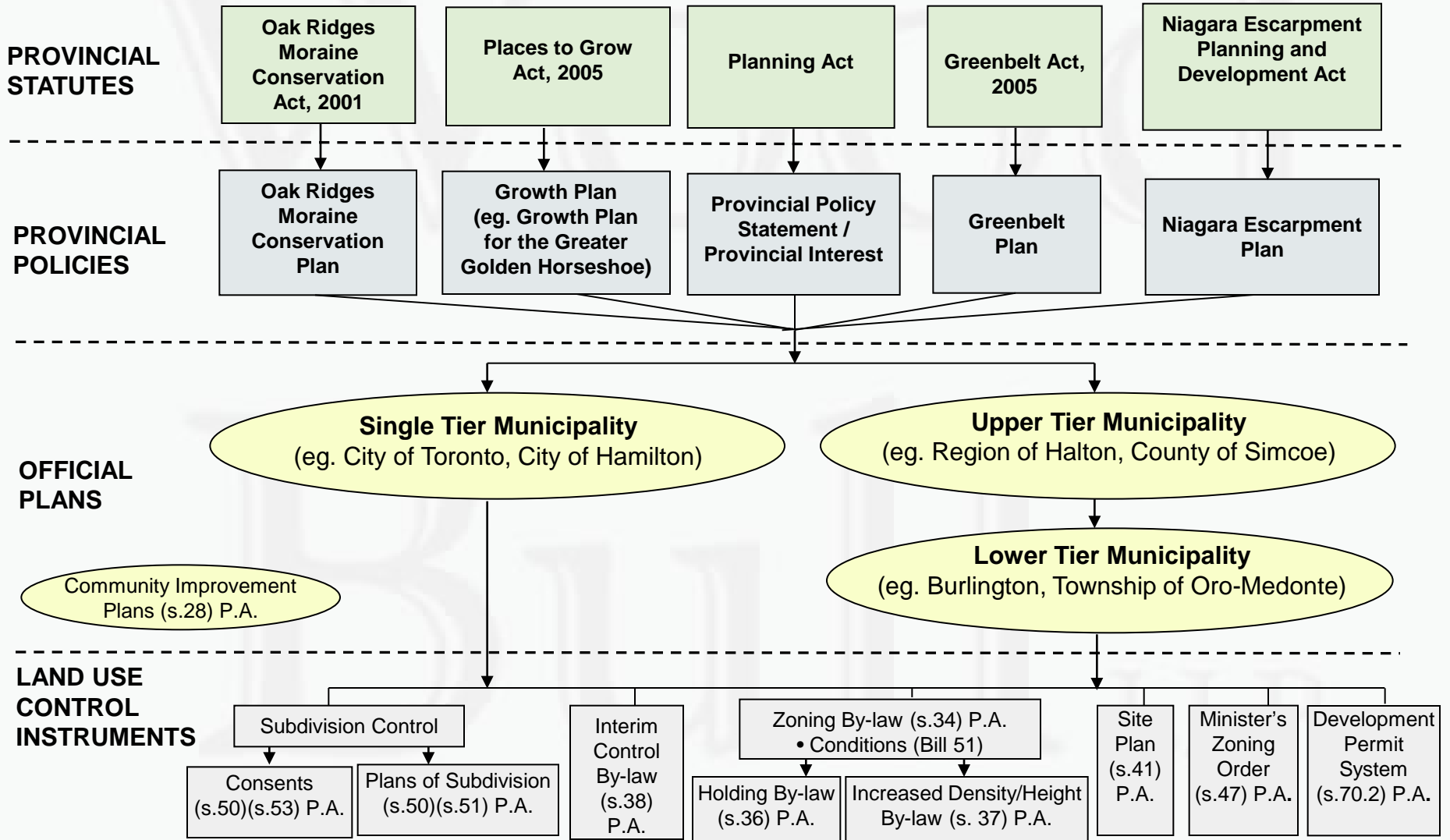
Provincial Policy Statement, 2005

3.0 Protecting Public Health and Safety

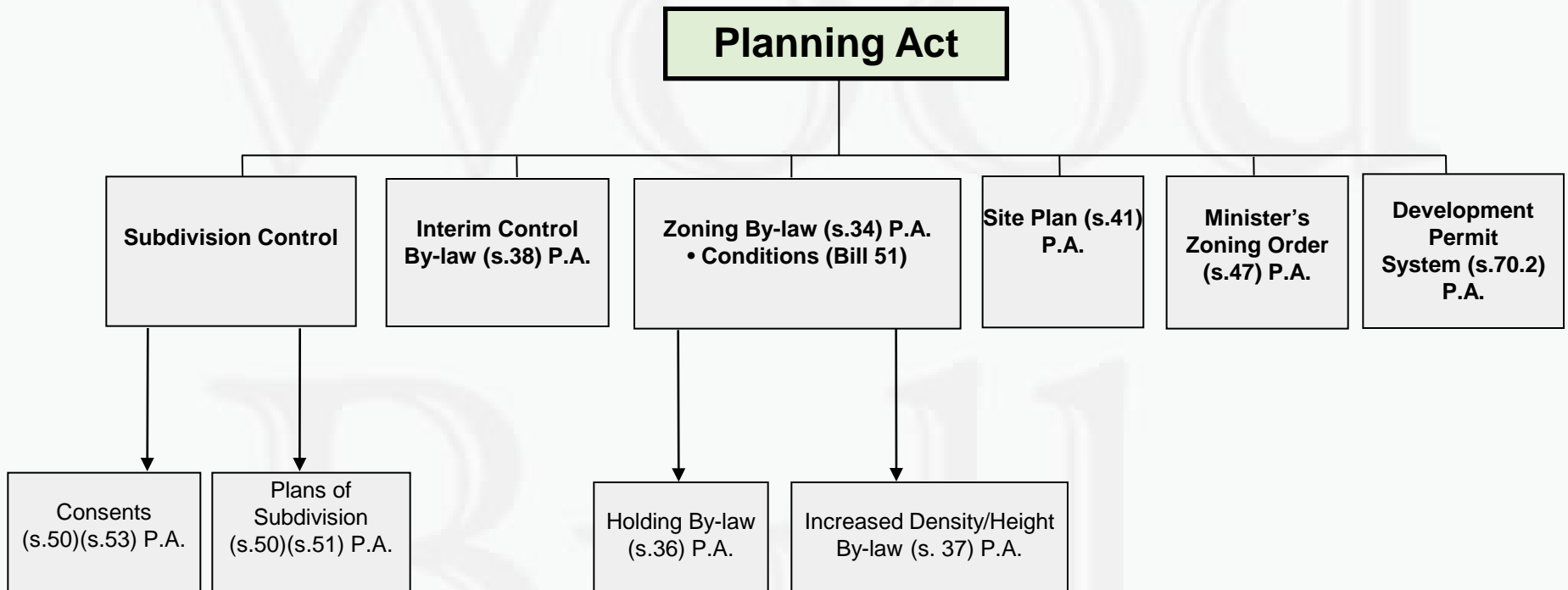
3.1 Natural Hazards

3.2 Human-made Hazards

Provincial / Municipal Planning Structure



Planning Act: Legislative Framework



Planning Act: Matters of Provincial Interest: Sustainable Development

2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...

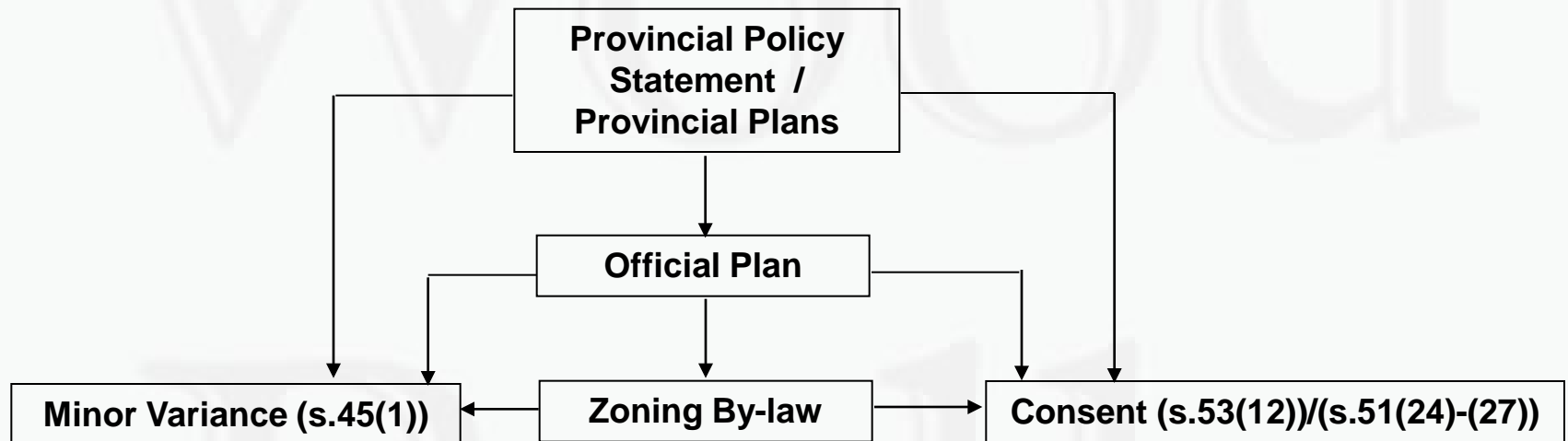
(q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians. (Bill 51)

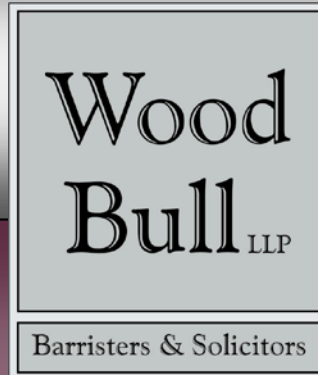
Planning Act: Site Plan Control: Sustainable Development

41 (4)(2) P.A. [Site Plan Control – Required Drawings]

- (a) the massing and conceptual design of the proposed building;
- (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
- (c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.
- (d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality. (Bill 51)**

Synopsis: Municipal Perspective





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